XIV

STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS

Before the

MILITARY COMMISSION TO TRY PERSONS CHARGED WITH

OFFENSES AGAINST THE LAW OF WAR AND THE

ARTICLES OF WAR.

Washington, D. C.

Friday, July 24, 1942.

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VOL XIV

C O N T E N T S .

Friday, July 24, 1942.

Name of Witness	Direct	Cross	Redirect	Recross	By Commission
Herbert Joannes Wilhelm Godhelp Haupt	2296	2298			
Werner Edward Thiel	2299	2300			
Edward John Kerling	2302	2333	2408	2414	2416
Heinrich Harm Heinck	2423	2435	2455 2458		2457
Richard Quirin	2461	2474	2487 2492	2493	2488 2494

EXHIBITS

Prosecution	For Identification	In Evidence	Read in Record
261 Kelly's registration at Commodore Hotel	2378	2380	2379
262 Kelly's registration at Hotel Seminole	2378	2380	2379
263 Letter 12/22/40, Kerling to Miriam	2389		2389
263-A Envelope	2389		
264 Letter 11/25/41, Kerling to Miriam	2395		2396
264-A Envelope	2395		
265 Letter 6/4/40, Kerling to Miriam	2401		2402
265-A Envelope	2401		

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MILITARY COMMISSION TO TRY PERSONS CHARGED WITH

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Washington, D. C.

Friday, July 24, 1942.

The Military Commission appointed by the President by order dated July 2, 1942, met, in room 5235 Department of Justice, at 9:30 o'clock a. m., to try for offenses against the Law of War and Articles of War, the following persons: Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin and Werner Thiel.

PRESENT: Members of the Military Commission, as follows:

Major General Frank R. McCoy, President,
Major General Walter S. Grant,
Major General Blanton Winship,
Major General Lorenzo D. Gasser,
Brigadier General Guy V. Henry,
Brigadier General John T. Lewis,
Brigadier General John T. Kennedy.

As Trial Judge Advocates:

Major General Myron Cramer, The Judge Advocate General, U. S. Army.

Colonel F. Granville Munson,
Colonel John M. Weir,
Officers of the Judge Advocate General's Department.

As Provost Marshal:
Brigadier General Albert L. Cox.

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As Counsel for the Accused except George John Dasch:

Colonel Kenneth Royall,
Major Lauson H. Stone,

As Counsel for the Accused George John Dasch:

Colonel Carl L. Ristine.

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P R O C E E D I N G S

The President. The session is open.

Colonel Munson. If the Commission please, the full personnel of the Commission, the eight accused, and the reporter are present. The personnel of the prosecution is present except at the present time lacking the presence of the Attorney General, Mr. Cox, Mr. Rowe, Colonel Treusch and Major Thurman.

The personnel of the defense is present except--

Colonel Royall (interposing). If the Commission please, Colonel Dowell is not here at the moment, apparently because I have noticed that the clock in his room is about 5 minutes behind this one. But he is on his way here.

The President. We will recess until the arrival of the counsel, if there is no objection.

(An informal recess was taken, in the course of which the Attorney General and Colonel Dowell entered the court room, after which the following occurred:)

The President. The session is open.

Colonel Munson. The defense staff is present except Captain Hummell and Captain Bruton who are temporarily absent from the court room. The Attorney General, Colonel Dowell and Mr. Cox have now resumed their seats.

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Colonel Royall. May it please the Commission, I desire to recall the witness Herbert Haupt for one or two additional questions.

The Attorney General. No objection.

Colonel Munson. Haupt, you are reminded that the oath which you took the other day is still binding upon you. You have been sworn as a witness.

The Defendant Haupt. Yes, sir.

HERBERT JOANNES WILHELM GODHELP HAUPT

was recalled as a witness for the defense and, having been previously duly sworn, testified further as follows:

DIRECT EXAMINATION

Questions by Colonel Royall:

Q The other day you were asked by the Attorney General for some information relative to a lawyer whom you met in Japan, and at that time I believe you recalled either his true name or the name that he was using, but you did not recall the other name, and you thought you might think of it later. Can you give the Attorney General any additional information about that lawyer? Have you recalled any additional facts?

A I met the lawyer on the Gynio Maru, and his real name is Arwald. He was a lawyer in New York and he had something to do with the All-American Plan.

The Attorney General. With what?

The Witness. The All-American Plan. He had a book on the All-American Plan.

Questions by Colonel Royall:

Q What name was he using?

A He used the name of Ross, and he went to Tokyo,

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in Japan, and I know he went to Shanghai, and he was going to work with short wave, some sort of radio broadcasting, and he had a wife and one child. They are not in the United States. I do not know whether they are in Japan or Germany. And he claims to have dual citizenship, United States citizenship and German citizenship.

Q Herbert, I think it is clear on the record, but let me ask you about your addresses in Chicago. I understand you testified that you lived at 4444 Western Avenue from about 1936 to 1939. Is that correct?

A I did.

Q Then your mother left for Europe and stayed for part of a year, or several months?

A That is right.

Q And you and your father lived at your Uncle Walter's during that time?

A While my mother was in Europe.

Q And then you lived outside of Chicago at Glencoe and Maywood?

A We moved to Glencoe where my mother and father got a job and stayed there for about a year and moved to Maywood with the family Bartler until my folks got an apartment back in Chicago.

Q What apartment did you get back in Chicago?

A The apartment on Fremont Street.

Q The one you lived in the month before you left?

A Yes, sir.

Q So, Western Avenue was the last Chicago address you had before you moved into this other apartment, about a

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month before you left?

A No; that is not right. We moved to Ainsley Street. We lived on Ainsley Street in Chicago for I do not know how long--about six months, I guess, or something like that.

Q But Western Avenue was the last address you lived for a considerable period of time?

A That is right.

Colonel Royall. That is all I care to ask.

CROSS EXAMINATION

Questions by the Attorney General:

Q You say you met Arwald on the boat. What was the date?

A I do not know what date. He was a first-class passenger.

Q About when? When was it that you saw him?

A In August some time.

Q August of what year?

A 1941.

Q Was he going over to broadcast for the Japanese government?

A I didn't know at the time. He told me that later when I spoke to him in Japan.

Q He told you he was going to broadcast for the Japanese government?

A He was going to work for the Japanese government; and they sent him to Shanghai.

Q Where did he live in America?

A In New York.

Q Where; do you know?

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A No. He said he was a lawyer in New York.

Q Do you know any of his friends over here?

A No; I had never met the man, never had seen the man before.

The Attorney General. That is all.

Colonel Royall. That is all.

The President. Are there any questions by the Commission? (No response) There seem to be none. The witness may be excused.

(The witness resumed his seat as one of the accused.)

Colonel Ristine. I would like to recall the witness Thiel for a few questions.

Colonel Royall. We have no objection.

The Attorney General. We have none.

Colonel Munson. Thiel, you are reminded that the oath which you took the other day is still binding and you are still under oath.

The Defendant Thiel. Yes, sir.

WERNER EDWARD THIEL

was recalled as a witness for the defense and, having been previously duly sworn, testified further as follows:

DIRECT EXAMINATION

Questions by Colonel Ristine:

Q Werner, I believe you testified that you met Mr. Dasch on the way to Japan, on the boat?

A Yes, sir.

Q Could you tell us about how many there were on that boat that were going to Germany?

A I think a little over forty; maybe 42 or 45; something like that.

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Q Do you remember that they had some informal meetings and sang some of the German folk songs?

A Yes. They sat together in the evenings and sang some songs.

Q Were there any in the group that objected because Mr. Dasch did not enter into those festivities?

A Some of the fellows were always against George.

Q And that was one of the reasons they were against him, because he did not take part in the singing of those songs?

A He did not take part in the singing of those songs, and besides they did not trust him.

Q What did they think Dasch was? What did they say about him?

A Some of the fellows thought he was an F.B.I. agent, being on the boat to watch the other fellows.

Q Did you know anything about a fight that he had with two or three of them on the boat?

A No; I didn't know anything about that.

Q You did not know about that?

A No, sir. But he had always arguments with some of the fellows.

Colonel Ristine. That is all.

CROSS EXAMINATION

Questions by the Attorney General:

Q What did he argue about?

A They always argued about politics and about ways in Germany, and he didn't agree with the fellows, and that is when they started to argue.

Q You and George did not agree?

A I didn't say "I."

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Q I thought you said "we."

A George didn't agree with the other fellows.

Q What were George's politics, if you know?

A Well, he always--at that time he spoke much about people in Poland, how they were treated, and even the occupied territories, and George didn't agree with them when they thought they were treated all right.

Q Was he a Communist?

A No; I don't think he was. At least--I don't know.

The Attorney General. That is all.

Colonel Ristine. No further questions.

The President. Are there any questions by the Commission? (No response) There seem to be none.

(The witness resumed his seat as one of the accused.)

Colonel Royall. If the Commission please, the defendant Edward Kerling desires to take the stand.

The President. It is my duty to read to you and explain that you have the legal right now to do any one of several things, just as you choose. First, if you want to do so, you may be sworn as a witness and testify under oath in this case like any other witness; or, second, if you do not want to be sworn as a witness, you may, without being sworn, say anything about the case to the Commission that you desire; that is, make what is called an unsworn statement. Or you may, if you wish, file a written statement with the Commission; or you may, if you wish, keep silent and say nothing at all.

If you do take the witness stand and fail to deny or satisfactorily explain any of the alleged wrongful acts about which you testify at all, about which any evidence has been

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presented against you here, such failure on your part may be commented on to the Commission by the prosecution counsel when his argument is presented to the Commission at the end of the trial, and the Commission can take it into consideration in determining whether you are guilty or innocent of the offenses.

Do you understand fully all that I have said to you so far?

The Defendant Kerling. Yes, sir.

The President. Knowing these various rights, you are advised to consult with your counsel and then state to the court which you will do.

The Defendant Kerling. I have consulted with counsel and I will take the stand.

The President. All right. The witness may be sworn.

Colonel Munson. You swear that the evidence you shall now give in the case on hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

The Defendant Kerling. I do, sir.

EDWARD JOHN KERLING

was called as a witness for the defense and testified as follows:

Colonel Munson. What is your full name?

The Witness. Edward John Kerling.

Colonel Munson. You are one of the accused in this case?

The Witness. Yes, sir.

DIRECT EXAMINATION

Questions by Colonel Royall:

Q Eddie, how old are you?

A Thirty-three years.

Q Where were you born?

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A Weisbaden, Biebrich.

Q Let me suggest to you that you talk a little more slowly than you started out, so that everyone can hear and understand you.

When did you first come to America?

A In March, 1939.

Q How long did you live in America?

A Until June '40-- June or July; I am not quite sure. I think it was July.

Q Did you marry while you were in this country?

A I married in 1931.

Q Whom did you marry?

A A German girl by the name of Maria Sichart.

Q Are you and have you always been a German citizen?

A Yes; I have.

Q And your wife is a German citizen?

A Yes, too.

Q There have been introduced in evidence in this case certain statements signed by you. On the occasion or in connection with the signature of any of these statements did you receive any mistreatment of any kind from any F.B.I. agent? And, if so, describe it to the Commission; and I want you to describe it without any exaggeration, but just exactly as you recall it occurred.

A The only time I was mistreated was on the first night I was apprehended. I was picked up, I think it was around 10 o'clock, and questioned by F.B.I. agents. About 2 or 3 o'clock in the morning I was taken out of that one room where they questioned me first into a well arranged office,

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and that was by Mr. Donegan. In there was the agent in charge, Drayton. For a while they questioned me and I didn't give them the right answers and knew I didn't give them the right answers, and they expected another answer from me, and they started to argue with me, and Donegan got mad with me. I couldn't keep my eyes open. I was shocked and tired. Donegan was sitting to the left of me and Drayton in front of me, and they had a big map they tried to show me. Donegan got mad and pulled my hair and drew me down, tipped me over on his lap and took his hand and slapped my face. After a while he took me out and then a doctor came in. The doctor had a habit of asking me, "How have you been treated?" He asked that question every time he came to see me later, too. I said, "All right, so far, but Donegan hit me in the face," or "I was pushed in the face by Donegan," or something to that effect.

After that Donegan took me out again to the other office and asked me, "Did I hit you?" in a tone that I should think if I would say yes he would give me a good beating. In order to get out of this I said, "No; you didn't." And he took me out to the doctor again and asked the doctor to ask me if I was hit; and in order to stop that I told the doctor I had not been hit.

But that was the only time I was mistreated. About the other agents I have no complaints to make.

Q Did any of the other agents in any manner mistreat you?

A No. All the rest of them acted very nice.

Q That night were you kept up all night and question-

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ed?

A I was kept up all night. I tried to sleep once in a while. I asked them to let me sleep, but they wouldn't. I was kept up until the morning. At 9 or 10 they took me out for a little while and I slept for about half an hour, and I was taken down again and taken to Florida.

Q I believe the first information you gave the agents was not correct?

A Partly correct and partly incorrect.

Q Why did you give them incorrect information when you were first questioned?

A Well, at first when I was picked up I knew Thiel would be picked up too. I had known that they knew everything and there was no reason to deny anything, but I didn't want Thiel to think that I had given it out. I would rather he gave the information. But the next morning when I knew Thiel was questioned and was through, I told them I would go down there with them to Florida and show them the boxes.

Q Did you go to Florida and show them the boxes?

A Yes, sir.

Q What occurred in Florida and upon your return trip with reference to your health?

A On the way down I suffered from shock. I didn't sleep right and was nervous all night. Down there we walked around on the beach trying to find those boxes. I think we were on the beach at 8:30 or 9 o'clock in the morning, and we walked around three or four miles until we found the boxes and dug them up; and we were at a place, a hotel, where there was water, but none of us liked it. But I drank two or three glasses and was sick with dysentery.

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Q How sick were you with dysentery?

A I was quite sick. I took that medicine that they gave. I couldn't stand any more.

Q Did you have to stay in bed?

A Most of the time I lay down; I couldn't stand up--stand it.

Colonel Royall. Are any members of the Commission having any difficulty in hearing this witness? His pronunciation is not particularly good. He talks a little rapidly, and I desire to caution him about it if it is necessary to do so at any time.

The President. Apparently the members are hearing. I hear him all right.

Questions by Colonel Royall:

Q You then gave another statement after you returned from Florida, did you?

A The first statement I gave on the days of the 26th and 27th, and it was signed on the 28th. The next statement I gave later. I don't know what date it was any more; I think it was signed on July 3.

Q When did you go to Florida?

A I think we left on the 24th and came back on the 26th in the morning.

Q I believe you signed a waiver after you came back from Florida?

A I did. I didn't sign that waiver--I didn't want to sign anything the first night. I asked to see a lawyer, but that was denied, so I started to sign one waiver, and I thought it over, and I said, "I don't want to sign any more papers."

o2 I said, "No, I don't sign."

But later on, after we came back from Florida and had been here two or three days--later I signed them. But I had volunteered to go down and show them those boxes.

Q Would they ever have found the boxes if you had not shown them?

The Attorney General. I object.

Colonel Royall. We will withdraw the question, may it please the Commission.

Questions by Colonel Royall:

Q How were the boxes buried, Eddie?

A We buried them in the night, and I wasn't any too sure how they were buried; but then after I came down and seen how they were buried, I knew there was hardly a chance anybody would have found them if they hadn't known the boxes were around.

The Attorney General. I think that is hardly responsive.

Colonel Royall. I myself think that it is a conclusion, and I have no objection to its being stricken out.

The Attorney General. I prefer a description. Let us have him describe how the beach looked.

Questions by Colonel Royall:

Q Do not say whether they would have found them or not, but describe, when you went there, just how you did find them buried or concealed.

A We buried them in the night. All we could see--it wasn't any clear night. They were right next to tree stumps, standing on a little hill, and palms all around. Then, we could measure about the distance by walking back to Ponte

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Vedra. We knew about where it was. I remember there was one wire fence going out to a street. When we came down, there were cars, and we parked right there where it was, but I didn't recognize it right from where we was. We walked past down there about two miles, and I thought we were down too far, and we walked back and found it by that marker I knew--by that fence. They were buried all right--deep--about this deep in there (indicating)--and covered with sand off the beach.

Q When you went back there, from the appearance of the ground could you have told there had been anything buried?

A If nobody had known, they wouldn't have known it.

Q You gave your signed statements on June 28 and July 3. Is the wording of those statements yours or someone else's?

A No, that has been--the wording and phrasing has been done by the agents. That is a condensation of questioning which took place, I think, partly on the way down to Florida and partly on the way back and the next two days in the cell.

Q Are there some errors in the statements? I mean do they correctly state exactly what you said, or are there some errors in them?

A There are some errors in there. Some of it is left out. One thing I know I state in there: that I had given Dasch the address of my wife, which I couldn't have, because I didn't know where my wife was living, so I had no address of her.

Q Did you ever tell the F. B. I. that, or did they have the address?

A They had it written down. They may have thought I said something about my wife or didn't get it right. They

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may have misunderstood me. But I didn't read that statement.

Q You yourself did not know your wife's address?

A No, I didn't know it.

Q You say you were born in Germany. Did your relatives live in Germany?

A Yes.

Q Is your father living?

A My father is still living.

Q What position had he ever held in the German Army?

A He was an officer in the last war.

Q While you were here in America from 1929 to 1940-- Are those the correct dates?

A Yes.

Q Did you return to Germany?

A I returned in 1933 and 1936 for short visits.

Q Were you a member of the Nazi Party?

A Yes, sir.

Q When did you become a member?

A In 1928.

Q Do you know whether you were one of the older members of the Party?

A I belonged in Germany to the Old Guard.

Q What does that mean?

A An organization with membership under 100,000 and having special status in the Party.

Q Do you recall what your number was exactly?

A Around 70,000.

Q What do you mean by "having special status in the Party"?

o5 A In the Party and in Germany we have--we live under special laws. If we commit a crime, we are punished not by the State but by the Party, and harder, and punished more--

Q (Interposing) Severely?

A Severely--than any other civilian or any other Party member, in order to keep the Party clean.

Q You were never a member of any Bund over here?

A I never have been.

Q Before you left here in 1940, had you and your wife had any misunderstanding? If so, what was it?

A Yes, we had misunderstandings. My wife is a little older than I am, and we had worked together in households. That means we are together from day to day, and that didn't do any too good, but it cleared up when I arranged for her to come to Germany. But then she didn't want to. She wanted me to get a divorce over there, or she wanted to divorce me--I don't know which--and she wanted me to get free, in order that I may marry another girl and have children.

Q Did she want that?

A Yes.

Q Whom did she want you to marry?

A Hedy Engemann.

Q But before you left, you became friendly with your wife again?

A Yes. It was all cleared up. I promised her. I couldn't take her along at that time; I didn't have any money here. So, I said, "I will arrange it from over there," and I did; and then I heard from her in France, and she didn't want to come over. I was advised through consuls that they had

o6 offered her to send her along, but she didn't want to come.

Q Where had you and your wife worked? Where did you and your wife work in the eleven years you worked over here? I do not want you to tell the name of each place where you worked, but the class of work you had done.

A Well, mostly we worked in private households.

Q You worked as a butler or chauffeur?

A As a butler, and she was chambermaid or nurse and cook.

Q In what part of the country was most of your work done?

A Mostly here in the East and down in Florida.

Q When did you go to Germany?

A In June or July, 1940.

Q Had you tried before that time to get to Germany?

A I did, when--around the time when the war broke out in Europe, I tried to get home on a ship, but it was out; no ships were running at that time any more. There was no way to get out, so I tried with Hermann Neubauer and a few other fellows in the sailboat.

Q That is the same episode that Hermann described here?

A Yes.

Q Is his description of what happened about your being apprehended and your fingerprints being taken, and so forth, an accurate statement?

A It was accurate--I mean as far as one can get now after a few years have passed.

Q Do you want to make any corrections or additions to what Hermann told about your coming down the coast and being apprehended?

o7 A Perhaps one thing to say. At that time the F. B. I. couldn't have anything against us and didn't have anything against us, and told us so, but before they let us go, they asked us if we would be willing to let us give them their fingerprints. They said they couldn't force us to, but they would like to take them, so all of us gave our fingerprints.

Q Why did you try to go to Germany in 1939?

A At that time lots of Germans lost their jobs. Mine-- I was told I should try to get home by my last employer. Besides, my father and my family was living over there, and I wouldn't look any too good in a safe country if there were a war over there, so I tried to get home.

Q You were working just before the declaration of war for a Mr. Armstrong?

A Mr. Armstrong.

Q Did he discharge you when the news came over the radio about the war with England?

A I wouldn't say he discharged me right away, but he let me know right away it would be the right thing to do to get out.

Q You got out?

A I did.

Q Did you succeed in 1939 in your effort to get out?

A Not then. We had to sell our boat and come back to New York.

Q Then, when you did go was in the next year, 1940?

A In 1940.

Q Eddie, when you were in America, did you work for any manufacturing plant that was making anything for the Army?

o8

A I never did, no, sir.

Q Did you work for anyone making anything for the Government?

A Selling anything to the Government? I was working for a packing house at one time. They sold meats to the Navy and Army.

Q What was the name of it?

A Cohen Brothers.

Q Did you leave that job?

A I left it that time because their business wasn't any too secure for me. They sold underweight meat and poor meat at higher rating, and I was in the shipping department, and somebody--they may have come after me and blamed me for it.

Q In other words, they were shipping an inferior quality, less than what they charged for?

A Yes. There was a good chance I would be tied up in this, and I got out.

Q When you arrived in Germany, what did you first do?

A I came from Italy and went to Berlin, and from there I was sent--I looked for a job there, and there was an opening for me in the Army in France.

Q Did you get into the Army?

A Not in the Army but working for the Army.

Q What kind of work?

A That was working at the listening post on the French Coast, and in civilian capacity but classed as a lieutenant.

Q Classed as a lieutenant?

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A Right.

Q How long did you work in that capacity?

A It was about three months.

Q Then what position did you obtain?

A I came back then to Berlin, and through connections I had, I received a position as referent in the Propaganda Ministry.

Q What does that mean?

A Well, it is a word that can't be translated. It is a title for a certain office.

Q What were the duties, Eddie?

A Well, it was managing stage shows, arranging for artists--well, the field was quite independent, but it had to do with artists in theaters.

Q That was under the Propaganda Ministry?

A Right; in a branch office of that.

Q Explain the circumstances under which you went to this school near Berlin.

A Well, it was some time in March. In the first statement I said it was April; I think it was March. Kappe came in my office. I had known Kappe's name, but I had never seen him before. I knew what he had done here and what he worked here from watching the newspapers here and talking to the Germans over there.

Kappe appeared one day in my office and asked me if I would see him. I said, "Sure," and that day we talked about two hours.

First, he asked me about my work and my job over there, and he had heard something about my connections with a man by the name of Boehmer, who was a man in a high position in the

o10 Propaganda Ministry. I had worked with him at one time.

We talked about this case for a while, and that was--

Q (Interposing) What do you mean by "this case"?

A The Boehmer case. I have to go back a little further.

Q Do not give too many details. You do not refer to the plan you later made?

A No. Perhaps it would be easier to say what it was. Germany has a little group which works on relations, America-Germany. This group is headed by Dr. Dieckhoff, some diplomats, and a few business people that have been over here, and this little group--from this little group everything relating to America was managed. They had great influence in the foreign office and didn't work to our liking. They have been here only on diplomatic missions and did not know anything about America at all, and we were against it.

Professor Boehmer had been here at one time, and he was opposed to them, which I was. They ridiculed everything what came up here in the United States.

Q Ridiculed it?

A Yes, and we were against it. We warned them--made a few statements to them--and tried to get some other fellows in there who knew the States better than they did, in order to bring that under a better basis.

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Q Is there anything further you can tell us about that?

A Well, Professor Boehmer and I were called down there from our offices for being too much pro-American and put in the dog house, as you say.

Q Put in the dog house?

A Boehmer made the mistake a few days before Russia got into the war to predict, right in the Bulgarian Embassy about the Russia-German war would come on in a few days, and he got picked up later, and they tried to tangle me into this thing. That was Kappe had heard that I was tangled up in this Boehmer affair.

Q What did Kappe say about that?

A Well, he took my side of it. He said, "Well, the diplomats were never any good for us and they don't know what is going on. We should try to get into it."

Q So Kappe took your side of it?

A Kappe took my side of it.

Q What was said by Kappe the first time you saw him?

A Well, then he asked me if I wanted to go back to America some day. I said sure. That was the question everybody asked if one former German-American sees another one over there--if he wants to go back some day. It wasn't unusual to say "Sure."

So he asked me about my relations here, what I had done here. He seemed quite informed about it. He asked me how my wife was. I was surprised then, because I didn't know that he knew anything about my wife, and he went off that day again, but he came back a few days later or a week later and kept on talking this way.

2b

One day he came up and said, "Well, don't you want to go on a military mission?"

I said, "Where to?"

"To America."

I said, "Yes."

That was sometime in March. I asked him what sort of work.

He said, "Well, something like the British are doing--raid--get on and get off again. I mean a regular military mission."

I said, "Yes." I couldn't say "No" then, because I was sitting in a position if I said "No" he could go and say, "Well, he is a coward."

The Attorney General. I would like to have that answer struck out and have the witness requested to answer what he did and not to say what he could have done. I think the latter part of that answer should be stricken out.

Colonel Royall. I did not want anything in therethat is improper. Maybe I should ask him a certain question.

Read the last part of his answer.

The Reporter (reading). "I said, 'Yes.' I couldn't say 'No' then, because I was sitting in a position if I said 'No' he could go and say, 'Well, he is a coward.'"

Colonel Royall. We have no objection to that last part being stricken. We may ask him some question about it.

The Attorney General. Will the Commission strike out that part?

The President. Yes.

Do you understand, Mr. Reporter, what is to be stricken out?

3b

The Reporter. Yes.

The President. It is agreed by both sides.

Questions by Colonel Royall:

Q Eddie, in your future answers will you turn a little more toward the Commission, so they can hear you?

A All right.

Colonel Royall. Can you hear all right?

The Attorney General. Yes.

Colonel Royall. You are closer than anybody else.

Questions by Colonel Royall:

Q You said "Yes" when he told you about going on a military mission?

A Yes.

Q Why did you say "Yes"?

A I couldn't say "No" then, because I was lucky so far, held a good position, and it would look like I was a coward and tried to stay in a place where I could earn money while the others are fighting.

Q And you wanted to do your duty?

A Yes, as a German I would have.

Q Eddie, you said something about "like the English do."

A Yes. That was about the term he used.

Q Did he see you again?

A Well, he came a few times to my office and a few times in the evening he picked me up to a restaurant.

Q When he said "like the English" what did you think he referred to? The Commandos?

A Commando raid.

4b

Q What else happened in connection with your going to the school?

A Well, he came a few times. We talked about other things and always tried to find out about me. He talked English and seemed to be quite informed about me.

Then he came out about what it was. I mean he had told me I had to go to the school, and I thought of it--I thought then, "Well, we will see what happens in the school," but I wasn't any too anxious then, and I talked to my bosses--that was my superiors there in the office--and they said, "No. In your place I would think it over," and I thought it over, too.

He never came out clear how it was and how it would work, and I came doubtful, and then they said, "Well, you try better to stay here."

I said, "I can't. If he calls me I can't get away."

They said, "Well, we will arrange you to go in the regular army. We will have you called up by them."

The Attorney General. Could you get him to say who made the arrangement?

Questions by Colonel Royall:

Q To whom are you referring?

A My superiors in the office.

Q Your superiors in the office?

A Yes.

Colonel Royall. Read that last part of the answer.

The Reporter (reading). "They said, 'Well, we will arrange you to go in the regular army. We will have you called up by them.'"

The Witness. By then I knew just about it wasn't so as

5b

he claimed first, that it was a military mission, Commando raid. He hadn't said yes and he hadn't said no. I wasn't quite sure what he meant then any more.

Q Then you went on to school?

A Then I went on to school.

Q Why?

A Well, before I got to school I tried to get out of it. My office had me called up by the regular army, but Kappe had that recalled, and they sent an order to my office that they had to get me free and let me go to the school.

Q And you went?

A And I went.

Q What would have been the consequences if you had not gone, if you know?

A Well, in my position, as an old party member and able for military service, I couldn't say no. They would just call me up. There is no way out. If I said no, it is treason.

Q Did you attend school with these other defendants or certain other persons?

A I did.

Q I believe there was one man there named Zuber who was in the army; is that right?

A Right.

Q And Neubauer was in the army?

A Neubauer was in the army.

Q Neubauer was a private in the army; is that right?

A Yes.

Q Why didn't Zuber continue at school and participate in the plan?

6b

A Well, that was about in the middle of the course--around in the middle, I think it was--I became very doubtful of that whole thing, and looked the men over, and said to Kappe that "Those fellows you got over there--it is useless, because none of them talks English. Some of them have not been over there for years, some of them mentally unfit," and tried to get out of this thing.

Kappe said, "Who don't you think is not fit?"

I mentioned all of them, "One was in a concentration camp. One doesn't talk English. One of them has splinters on top of his brain, and if they move he will go to a hospital and everybody will know he was in a war and it will come out."

So he said--Zuber wasn't over there for five or six years, and another fellow he couldn't see a woman without running after her.

So Kappe said, "Well, we will take that one fellow and Zuber out. The other ones I think are all right."

I said "No."

Q Did they take Zuber out?

A They took Zuber out--he said, "No. We will let Zuber in till the end of it and then we will see."

Q How long had it been since Zuber was over here?

A If I remember right he left here in 1935 or 1936. I am not quite sure.

Q At the school, Eddie, without giving the details of the instruction, did you receive any instructions as to whether you should harm anyone physically over here?

A This question has been raised a few times, and we ourselves were against doing anything where anybody could get

7b

3 harmed, and they said over there, "We think, too, it would be more harmful to us if you do anything where people get hurt," and we should let it go--don't do anything where we hurt anybody.

Q You say that came up several times?

A Yes.

Q Did you receive any instructions of any kind as to how to harm anyone?

A We never had. Well, we had played around with jujitsu a few times.

Q What?

A Jujitsu, that Japanese fighting, just for our own pleasure, but no harm.

Q Did you receive instructions to use it at all?

A No.

Q Did they tell you anything about bombing any Jewish stores?

A I haven't heard that. I have heard that I was asked by them for a half day in the F.B.I. office.

Q But you had not ever heard of it?

A I had not ever heard of it.

Q What did they instruct you to do over here in America under the plan that they outlined?

A I won't say just instructed us, but advised us to do this and that, and gave us a few plans.

Q Was it sabotage?

A Sabotage, yes.

Q Did they give you any instructions about obtaining military information ?

8b

A No; that was not our job.

Q Were you to obtain any military information?

A No, we should not do anything of that sort. It was even said they don't need that.

The Attorney General. I did not get that.

The Witness. They don't need that.

By Colonel Royall:

Q You mean they have someone else to do that?

A That was the impression given to us. It has been talked about.

Q Were you to forward to Germany in any way any military information?

A No, sir.

Q Of any kind?

A No.

Q Was there some discussion of a radio at one time?

A Yes. Kappe tried to give us a radio and train somebody for it, but we said, "No. It is too dangerous. We don't have any use for it, anyway."

Q Did they abandon the radio plan?

A So at our advice they dropped it.

Q There has been introduced in evidence a handkerchief, which I think had an address in Portugal.

A Portugal, yes.

Q Was that address given you?

A That was given us by Kappe.

Q For what purpose were you to use that address?

A Kappe had an address where he always could reach me when there was a means to get over here, to get mail through, which is not at present, and if I should ever lose out on that

9b

address, that couldn't do any good any more, to reach me I could give him a message through Portugal.

Q In other words, you left him an address where you could be reached?

A Yes.

Q And if you changed that, then you could communicate with him?

A Yes.

Q Were you to communicate anything else to him in Portugal?

A No.

Q Were you the only one in your group who had the Portugal address?

A Besides Dasch, I was the only one.

Q Dasch had one for his group and you had one?

A Yes.

Q Now, I believe there has also been introduced in evidence some matches which were to be used for secret writing. You did have those matches?

A Yes, sir.

Q You are the only one in those groups who had one?

A Besides Dasch, I was the only one.

Q What were you to do with those matches?

A They were given us to write secret messages if we had to, if there was any real reason to write to Portugal.

Q To Portugal?

A Right.

Q That is for the purpose you have already stated?

A Yes.

10b

Q For any other purpose?

A No.

Q I believe there was some instruction in secret ink?

A Yes, sir.

Q That was for the purpose of the members of the group communicating between themselves?

A Right.

Q Any other purpose?

A No, sir.

Q Now, Eddie you said that you had had some doubts about this plan. Did you know that Burger had been in a concentration camp?

A Yes.

Q Did you think that Burger would go through with this

4 plan?

The Attorney General. I object. Did you think that someone else would do something?

Colonel Royall. Did you think?

The Attorney General. I object. First he asks the question and says, "Did Burger think something?" and then he says, "Do you think?"

Colonel Royall. I did not mean what Burger thought. I meant did this witness think that Burger would go through with the plan.

The AttorneyGeneral. I withdraw my objection to the question in that form.

Colonel Royall. That is what I meant.

Questions by Colonel Royall:

Q Did you think that Burger would go through with the

11b

plan?

A I had a good idea that he would not.

Q When did you first find out that you were not going to wear a uniform in your duties?

A When we got to the school, or just shortly before that.

Q During the time you were at the school or before you left did anything occur in connection with money or gold certificates?

A In Lorient.

Q Without giving too great detail, what happened about the money?

A At Lorient we found out in our money belts and in our blank money which we had along there were gold certificates, fifty dollars, quite a number of them, and Kappe and another man from the Marine Intelligence came in and saw how we looked that money over, and they asked why, and we told them that there were gold certificates, and there started to become a row in there.

Everybody told them under those circumstances there is no use to go over there, and Kappe quieted that down for a while, and then Neubauer and I went after Kappe in a room alone, and I told him right there and then I did not want to risk this with that thing and I get out. So he said, "No, you can't get out now. You have enough money, anyway. Throw those fifty-dollar bills out."

Q Did you see anybody else at that time about getting out of the plan or try to see anybody else? Did you try to see the Consul?

12b

A That was a few hours before we had to go on the boat.

Q Eddie, in deciding to go ahead with this plan I believe you said you were ordered to go?

A Yes.

Q Did you have any particular reason other than that for wanting to come to America?

A Well, the fact that my wife was living here and she wanted to divorce me, or she wanted me to get a divorce from her, and that thing wasn't settled, and I knew she was very sick. She needed an operation and did not have any money.

Q Did you, while you were in Lorient, consider whether the plan could succeed and what would be done if it did not?

A I was sure before it would not succeed.

Q Why?

A At first Dasch was not any too secure. Second, Burger was quite sure he would not go through, and I knew he only wanted a reason to get out, and the rest of them--none of them talked English to walk around as an American. I myself don't talk well enough. So anybody who has been together with them for three or four weeks knows exactly that that would not do.

Q With that knowledge why didn't you refuse to come?

A Couldn't get out any more then.

Q Did you know that the mission was a dangerous one?

A I was quite sure, but I hoped to find another way out.

Q What was your other way out?

A By that time Mexico wasn't in war. I could have come over here and tried to hide here for a few weeks or months

13b

and then slip into Mexico and get out through Chile or go from here to the Argentine.

Q Did you know of any similar mission that the English had had into Germany or Occupied France?

A That is nothing unusual. It happens every day.

Q Both in uniform and in civilian clothes?

A Mostly in civilian clothes. Just those border raids they are in uniform, but they pick them up every day in Germany.

Q Did you know the penalty that was inflicted upon Englishmen not in uniform who were apprehended in this mission in Germany?

A Yes.

Q What was done with them?

A After the war with France was over I was out in France. If they caught an Englishman in uniform in a French family, they took the French family and punished them, mostly by death, for hiding them, and put the Englishman in a concentration camp in a German fortress. The latest I know one case, a German plane landed in Germany on a road near--it was north of Berlin somewhere, on one of these new roads. They landed three of them there, and they were taken away and put in a fortress. They landed in civilian clothes.

Q The English landed in civilian clothes?

A Yes. It happens over there every day.

Q Were they put to death?

A No.

Q Did you, on the submarine over, think further or consider further as to the impossibility of the plan?

A We all mentioned the other group will be caught,

14b

because we knew they did not fit together.

Q You knew that Burger was in the other group?

A Not only Burger, but Dasch, Burger, and the other two fellows are just opposite characters.

Q Did you discuss that with any of your group on the way over?

A I mentioned a few times to them, "I hope the other ones don't trip us off."

The Attorney General. What was that last answer?

The Witness. "I hope the other ones don't trip us off now before we get there."

Questions by Colonel Royall:

Q Did you discuss any other features of it with the others on the way over--that is, on the submarine?

A I heard Mexico declared war, and I said to one of the other fellows--I am not quite sure which one it is now--"Now we are stuck over there. We can't get out to Mexico."

Wilfong
fls
10:45

7/24/42
Wilfong
fls Cinci
10:45

Q Did you have any other discussion of the possibility of the plan before you landed?

A We listened to the radio quite a lot to hear what was going on here; and that gas rationing came through. I mentioned there, "Well, that leaves us out."

Q What had you planned to do, or what were your instructions as to the use of an automobile before you learned of the gas rationing? What had been your instructions?

A To get ourselves a car to get around.

Q Why did the gas rationing affect you?

A We would have to register for gas, and that, in our status, was quite impossible.

Q Did you notice anything about Herbert Haupt's attitude or feeling?

A No. He was in a rush to get home to Chicago.

Q Did you discuss with anybody after you landed the possibilities of accomplishing this plan, or the possibility of abandoning it, and when did you discuss it, and with whom?

A I knew Neubauer--I was quite sure Neubauer would not go through, because I had seen a letter to his wife that didn't look--he was not too secure about it, and I knew he had some doubts. On the way up I took him on with me and tried to feel him out, because on the boat we would not dare to talk to each other. If he had said he didn't want to go through, and told that to the captain, I would be back home now. So on the way, in Florida, I tried to feel him out, and on the way up north he said it was impossible.

Q What happened after you got to America to convince you still further that it was impossible?

A First, our own nerves gave out quite a lot; and

2w

going up on the train we passed factories and railroad stations and saw how they were watched, to our surprise, much more than in Germany. So that made us quite hopeless.

Q Did you plan to have a meeting anywhere after you arrived with this group?

A I wanted to come up on the 6th of July to Chicago.

Q Whom were you to meet on the 6th of July?

A I had told Neubauer to feel out Haupt and we will meet and see what we will do.

Q Had you planned to do anything about sabotage before that time?

A No. I had given it up altogether. I had hoped Naubauer would convince Haupt that the best thing was to get out.

Q What did you think about Thiel?

A I wasn't so sure. I had Thiel in New York with me but I didn't have any time to feel him out.

Q You were with Thiel?

A I knew I had a lot of influence on Thiel.

Q You knew Thiel would do just about what you told him?

A If I had said to Thiel, "Keep your hands off," he would have done so.

Q The day before you came did you have any instructions as to when you would commit sabotage, how long you would wait?

A No definite time was set; from three to six months to live here and get used to things and settle ourselves.

Q Had you ever, either on the boat or after your

3w

arrival, made any definite plans for any definite sabotage?

A No, not at all.

Q Had you inspected or selected any place to commit it?

A No.

Q Had you seen any plants with a view to committing sabotage?

A We had passed them and come to the conclusion that it would not do any good to go near them.

Q Something was said about Hedy Engermann. Did you know where she lived?

A I had not known until I talked to a friend of mine. The last I heard of her she was working in California.

Q Did you say anything to her about going on a trip wdth you?

A The first thing, I had to find a place, not a hotel, and I asked her if she would find an apartment for me. She might find a place to live out in the country. I told her I had to go to Chicago, I didn't like to travel alone, because somebody starts talking with me and I would be known as a German. She said, "We have a store here, and I can't get out. The store doesn't pay enough to take somebody else in."

Q Eddie, are there any other facts about this matter which I have not specifically asked you about, which you desire to state to the Commission?

A I would have to think a minute.

Q Take your time. I am sure the Commission will give you time to think.

A The question of the Bund was brought up by the agents of the F.B.I., but I told them I never had been a

4w

member of the Bund, and they could check the membership lists which they had.

Q You say you never were a member of the Bund, and you so told the F.B.I.?

A Yes. I told them I had been always against the Bund here and used my influence to get at least the Germans out of it.

Q Is there anything else you think of that you wish to state to the Commission?

A I cannot think of anything else just now.

The President. We will take a recess of ten minutes before the other side takes up its examination.

(An informal recess was taken, at the conclusion of which the following occurred:)

The President. The Commission is open. I take it, Colonel Royall, that you have finished your examination for the present?

Colonel Royall. That is correct, sir.

The President. The prosecution will proceed, please.

Colonel Munson. Mr. Cox has now withdrawn from the court room, but otherwise the same personnel is present.

The witness is reminded that he is still under oath.

CROSS EXAMINATION

Questions by the Attorney General:

Q You said that an F.B.I. agent slapped you. Who was that?

A Donegan.

Q And Drayton was there when this happened?

A Yes.

5w

Q Was anyone else there?

A Not in that office.

Q I am asking you about that office. What time did this happen?

A It must have been at least two or three.

Q How many times did he slap you?

A He took hold of my hair, pulled me down and gave me a punch in the face.

Q You said that he slapped you, and now you say he punched you? Did he punch you with his fist?

A He had it about this way (illustrating).

Q About half open. Did he punch you or slap you?

A More of a punch. He didn't give it all his force.

Q The first time, you said he slapped you. Which do you mean?

A I say punch.

Q You have now changed it?

Colonel Royall. That is a matter for the court. I object to the form of the question.

Questions by the Attorney General:

Q You now say he punched you?

A Yes.

Q How many times did he punch you?

A Just once.

Q How many times did he pull you by the hair?

A He pulled me down and punched me up again.

Q He pulled you down first and then punched you up?

A Yes, sir.

Q Where did he hit you?

6w

A On the left side. He was sitting to the left of me.

Q He was sitting down. He did not get up to punch you?

A No; he was sitting down. I was on the couch and he was on the other end, and opposite me was Agent Drayton.

Q How close?

A About on this chair here (illustrating).

Q Right next to you?

A Yes.

Q What did you say when he did that? Did you remonstrate with him?

A No; I thought better not to.

Q You did not say anything?

A No, sir.

Q When the doctor came in you said something, did you not?

A The doctor asked me, "How are they treating you here?"

Q What did you say?

A That I was treated all right so far, but that an agent had punched me.

Q Did you say "slap" or "punch" to the doctor?

A I think I said "punched in the face."

Q You do not remember whether you said slap or punch?

A I am quite sure I said punch.

Q You said a little while ago that you told the doctor that he had slapped you.

A There is not much difference in the two words.

Q Do you know the difference between a slap and a punch?

A I would know now; yes. In German "slap" is the easiest for us to say.

7w

Q That is the reason you said "slapped"?

A Yes.

Attig fls
11:10

ol
Attig
fls.
Wilfong
11:40

Q You complained to the doctor?

A I complained to the doctor.

Q How often did the doctor come in to see you? Would he come in three or four times a day?

A No, he came just about when we got out of that office.

Q How often each day would the doctor come in?

A That day, I think, I have seen him only once. He came to me after that every day once.

Q The doctor treated you all right?

A Yes; no complaint.

Q What was it that you said? That Donegan had asked you something and didn't like your answer to it? Just what was it that he asked you that he didn't like your answer to?

A He had a complete map of Florida there, and they asked me where did we land and put that stuff.

Q What did you say?

A I said, "I don't give you any answer any more than from Mexico."

Q That was when he slapped you? Punched you; excuse me.

A Yes.

Q You made or signed how many statements?

A There was one taken which I didn't sign, and two--

Q (Interposing) You signed two?

A Two.

Q Did you read over the first one, the one of June 28?

A 28, right.

Q You signed that and read it over?

o2

A Yes.

Q How many times did you read it over?

A I just glanced over it.

Q Didn't you read it carefully?

A No.

Q Do you mean you signed the statement without reading it carefully?

A I signed it. I was at that time quite weak and sick, and I didn't look what I signed.

Q You paid very little attention to what was in it, I suppose?

A Well, some points I read through there, and the fellows were sitting there, and we talked a little and read on.

Q But you didn't read it carefully?

A I didn't read carefully.

Q Did you know what was in it?

A Just about.

Q About?

A I mean I didn't know at that time for what purpose that was taken and how it would be used against me.

Q I understand. I should think you would have read it carefully, then, but you say you did not read it carefully?

A No, I didn't read it carefully.

Q You didn't care?

A I was weak and sick then.

Q You knew what was in it?

A Just about.

Q And made corrections in it?

A I made corrections in it.

03

Q Every page?

A I don't know.

Q Let me show you the statement. How many corrections did you make on the first page?

A One.

Q How many on the second?

A Two.

Q And the third?

A Three.

Q The fourth?

A One.

Q One on the fourth?

A Yes. Where I said three just now, two.

Q Yes. What about the fifth?

A One.

Q Read the correction you made on the fifth--the second correction on the fifth. What did you write in there?

A "This man, a relative of Dasch, would have no other information about Dasch's address."

Q You wrote that in yourself?

A Yes. And here is this address of my wife which Dasch--which should have been on the handkerchief of Dasch, which I couldn't have given him, because I didn't know it.

Q You didn't give it to him?

A No.

Q But you made a correction in the next sentence?

A I know. That should have been Leinert. I somehow missed that.

Q You made one correction in these seven or eight lines?

04

A Yes, I know.

Q But not the other one?

A I admit it.

Q Now, the next page. How many corrections are there there?

A Two.

Q Now, the next?

A One.

Q The next page?

A Two.

Q And the last page? What did you write in?

A One.

Q What did you write in on that last page?

A "But in the course of my stay I came to the conclusion that our orders were made impossible to fulfill, and the means of transportation were too insecure."

Q You wrote all that in yourself, and you initialed every page?

A Yes.

Q What was wrong in that statement?

A Well, a lot of things missing. I mean that was a condensation of talks we had for two or three days.

Q What was missing?

A For instance, that question if I was a member of the Bund or not. I was asked all afternoon--I was asked of my intentions.

Q Does this say you were a member of the Bund?

A No, it was left out altogether.

Q You mean that you were not a member of the Bund was left out?

05

A It doesn't say anything about that, but here it comes out that I was a member of the Bund.

Q What was untrue in this statement?

A That I haven't been a Party member.

Q Anything else?

A That I don't remember just now.

Q You signed the second statement on June 30. Does that tell the truth?

A Yes, I think it does.

Q Did you read the second statement carefully?

A I read it more carefully than the other one, because then it was pointed out to me, because it would probably be used in the court, and the first one didn't.

Q Would you just refer to what you mean in the first? Read the first paragraph of the first one.

A "I, Edward John Kerling, give the following voluntary statement to Special Agents John A. Holtzman and D. M. Brightman, who have identified themselves as Special Agents of the Federal Bureau of Investigation. I have been made no promises and no duress has been used in order to induce me to make this statement. I make the same freely and voluntary knowing that it can be used against me if necessary."

It doesn't say anything about the court.

Q You mean you knew it could be used against you but not in court?

A It could have been used in the newspapers.

Q You thought it was going to be used in the newspapers?

A Yes.

o6 Q But the second one, you thought, was going to be used in court and not in the newspapers?

A I wasn't sure how it was going to be used.

Q How does the second one start?

A "I, Edward John Kerling, make the following free and voluntary statement to M. R. Griffin, D. M. Brightman, and John A. Holtzman, whom I know to be Special Agents of the Federal Bureau of Investigation, for the purpose of supplementing and correcting in part, a signed statement, given by me to Special Agents Brightman and Holtzman on June 28, 1942. This statement is also made freely and voluntarily without any promises or duress having been used, and I know that it may be used subsequently in a court of law."

Q Why was that phrase put in? Did you suggest that it be put in?

A No.

Q Where did you get the idea that the first statement was going to be used in the newspapers? Did the F. B. I. say that it was going to be used in the newspapers?

A No, but I had no idea how it would be used against me.

Q It was just a belief on your part?

Colonel Royall. We object to his interrupting the witness.

The Attorney General. I am very sorry; I shall not interrupt.

Questions by the Attorney General:

Q Had you finished your answer?

A No, but the questioning during the first two days

o7 looked like it was interrogation to find out the facts of the whole thing at all, and we didn't think it would be used that way.

Q What years were you a member of the Nazi Party?

A From 1928.

Q That was the only year?

A From 1928.

Q Until when?

A I am still.

Q You still are?

A Yes.

Q You are a loyal Nazi, aren't you?

A Well, that is a question I can't answer yes or no.

Q How would you answer it?

A I would say I am a loyal German.

Q I did not ask you that; I asked you whether you are a loyal Nazi.

A I have to explain that a little further, then.

Q I wish you would.

A I became a member in 1928. My parents had been thrown out of occupied territories. They lost about everything they had. I was in school then, and I knew that happened through the Communists, and that time the Party was only a small group of people there, and one of 42 different parties we had at that time, so it was just the age we became politically interested and got into this.

The President. (Addressing the witness) Please turn this way.

Colonel Royall. May I suggest that he talk a little more

o8 slowly, too?

The Witness. That is a habit with me, too. So, in those years--

The President. I would not ask him to speak more slowly; I would ask him to speak naturally.

A Member. Did he say there were 42 parties?

The President. Will the reporter please read what the witness said?

The Reporter (reading):

"Answer. "I became a member in 1928. My parents had been thrown out of occupied territories. They lost about everything they had. I was in school then, and I knew that happened through the Communists, and that time the Party was only a small group of people there, and one of 42 different parties we had at that time, so it was just the age we became politically interested and got into this."

Colonel Royall. I do not believe he had finished his answer. The Attorney General had asked him if he was a good Nazi.

The Attorney General. If you will give me a chance with the witness, I will try to bring that out. I had not interrupted him; he had come to a pause. I am asking another question.

Colonel Royall. No; the Commission was having difficulty hearing; that was the reason why he stopped.

The Attorney General. With the permission of the Commission, I shall now ask the witness a question.

Colonel Royall. May it please the Commission, the wit-

09 ness has not answered the question whether he was a good Nazi. He had stated he was a good German. The Attorney General had asked in his question whether the witness was a good Nazi, and the witness said he would have to explain. He was in the midst of that explanation when some members of the Commission had difficulty in hearing him. We think he should be permitted to complete his answer.

The President. He will be permitted to complete his answer.

The Witness. So, I had been a member over there only a few months, I think, and left then for over here. Most of my personal friends have been members of the Party at that time, and I kept on being a member by having them pay my dues over there. That kept on till 1933. So, I have not been actively--active in the Party. I have not been active here.

My friends over there--the old members of that--had good positions then, but still I stayed over here. I could have gone back at that time if I wanted and used my Party number and my old membership to get a position. I stayed here till 1940. I paid my dues through the German Consulate and then let it go at that.

I had not known much about Germany. I have been over there only a few weeks--a few months, I would say, till 1940 and came back there in August, 1941.

I have not gone in the Party politics over there. I stayed out of it and took a job in the Government. But I had others knew about it--how that thing worked over there. One example is Peter Burger and the others. I have not been in any

o10 favor of the Gestapo, and as an old member of the Party, I have a few million newer members against me, and for us it was quite a fight. But those newer members, which they run the Gestapo and some other offices over there, are against us and using now their power to put in other positions. It happened to Burger. They gave him a chance, and they have forever something on him, and they take us off and put us away. There is an old fight that exists since 1933.

Now, I as an old member of that party could have been sent to the front. I wondered myself why I didn't. Most of them are sent there, and they are the right age to be, so they have a chance to prove themselves or get killed.

But to say would I be loyal to the Party, I had nothing to do with the Party. I didn't have any position in it, and I had no real connection with them. A few of my friends are in Party positions, but I stayed out of it.

Questions by the Attorney General:

Q Have you finished?

A Yes, sir.

Q Having given your explanation, will you answer the question? Are you a loyal member of the Nazi Party today, or are you not?

A I feel bitter about it, because they put me in a position where I couldn't help myself any more.

Q You have not answered the question yet.

A I say I feel--

The President. Please read the question.

The Reporter (reading):

"Question. Having given your explanation,

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will you answer the question? Are you a loyal member of the Nazi Party today, or are you not?"

The Witness. I said I feel bitter about it.

The President. Please answer the question.

Colonel Royall. May it please the Commission, the witness has previously said he could not answer yes or no; that he would have to qualify it.

The Attorney General. I will give him another chance.

Colonel Royall. I know, but you cannot require a witness to answer yes or no.

The Attorney General. The law is that the witness must answer the question and then may make any explanations. When Colonel Royall objected, we permitted the witness to make all his explanations first without answering the question in any way; then quite properly the President of the Commission directed the witness to answer the question. Now Colonel Royall is objecting.

Colonel Royall. May it please the Commission, I do not think that is a fair statement. I am confident that when a witness says he cannot answer yes or no--and it frequently occurs that a witness cannot give a dogmatic answer either way--I think he has a right--I have never heard of its being denied--to give a qualified answer.

The President. Yes. He has done that.

Colonel Royall. Yes.

The President. Now there is another question.

Colonel Royall. He was asked the same question. That is the only reason why I am objecting. This question is the same question again, and I do want to call your attention to

o12 the fact that the witness, in my opinion, does not have to say yes or no; he will have to qualify his answer again.

The Attorney General. My point, Mr. President, is that the witness has never answered this question. He gave a long history of his membership in the Party. He has never answered anything about his loyalty at all.

The Witness. I can say I have tried to be a loyal Party member till I got into this thing, but when they used me--used their power they held over me through that, I doubt my loyalty.

Questions by the Attorney General:

Q When was that?

A After I got into this.

Q Sabotage school?

A Yes.

Q That was the time when you were no longer loyal?

A Yes.

Q You went to Germany several times before this last trip, did you not?

A Right.

Q Did you wear the uniform in Germany on those trips?

A No.

Q No uniform?

A No.

Q Belonging to any organization?

A No.

Q No Nazi uniform?

A No.

Q When you went back this last time, what was the first job you got right away?

013

A That was a job in a listening post in Deauville, France.

Q How soon after you landed did you get the job?

A A few days after.

Q You went there on a German passport?

A I had to go to Berlin to get the job and money, because I didn't have any money, and that was just the thing which was open.

Q You got it at once?

A Yes.

Q You went over on a German passport?

A Yes.

Q Did you go to the consulate as soon as you got there? Whom did you see in Berlin when you landed?

A Friends I had there.

Q About this job, whom did you see?

A That was arranged through the foreign office.

Q It was all arranged when you landed, wasn't it?

A No.

Q How soon after you landed?

A A few days.

Q Did you call on the Party office?

A Yes.

Q You asked them to get a job for you?

A Well, that is their duty there--to help us.

Q Did you ask them to help you get a job?

A Yes.

Q In the Army?

A No, any job which would have been to my liking.

Q Did you go over to Germany to get a job and help the

014 Government as you were a loyal Nazi?

A No, I tried to get a job to help myself, just because I had no money, and I had to find some work.

Q What was it you said to your employer when you left him? What did you tell him you were going over for?

A That is quite a long time back.

Q If you don't remember--

A I left at his advice. He told me a few things before the war broke out. He said, "There is war brewing; you had better get out as soon as you can get out."

I told him, "No," I didn't think there would be a war and stayed on a little while, but when it came to be, I was told then people had--friends had said how they could be Germans now, so I took the consequences and went out.

Q He told you you had better go back to Germany because you were a German, didn't he?

A Yes.

Q What connection had this job with the Army? Was it Army Intelligence?

A No.

Q You had a commission, didn't you?

A I wouldn't say it was a commission. I came out there, and the Army--they have an arrangement that if a civilian works for them he is classed somehow in order to pay them their wages and arrange living for him in occupied territory, so I was classed as a lieutenant.

Q Was it Army propaganda?

A No, it was a listening post of English broadcasts.

Q It was operated as a branch of the Army, I think

o15 you said?

A Yes, of the Army and Air Corps.

Q In that connection, at the sabotage school what did you sign? You signed a paper, didn't you?

A Yes.

Q That said you were a soldier of the Reich, did it not?

A I don't know whether it said if I am exactly a soldier or a V man. I haven't read that thing any too close. It was many of those typewritten forms I signed there every day.

Q It said you were going on a secret mission?

A No. If I am a V man or a soldier, you have to live up to the duties of a soldier and keep secret--keep what you hear secret.

Q The statement said nothing about a secret mission?

A No.

Q Did you join the Labor Front in Germany?

Cincy fls. 11:30 A I belong to that.

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Q When did you join it? When you first got over there or did you belong to it?

A No. I think it was in 1936 or 1937.

Q What was the date you first met Kappe?

A I stated in one statement it was April. I happen to recollect it must have been March.

Q March of this year?

A March of this year.

Q Had you ever seen him before?

A No, sir.

Q Did you know who he was?

A I knew when he came to me who he was. I knew his name.

Q You had heard of him before?

A Yes.

Q What had you heard before?

A Well, I knew of him from the Bund affair, which was German. I knew what was going on.

Q You mean you knew it from the Bund newspaper?

A No; it was in the American newspaper.

Q He was very active in the Bund, wasn't he?

A Yes.

Q Where did you meet him?

A He came up to see me in my office.

Q He came to see you personally?

A Yes, sir.

Q You said he seemed to know a good deal about you?

A Yes.

2b

Q Did he have papers?

A No, but after his first or second visit I came to think how well he was informed about me.

Q Where did he get the information? From the Gestapo?

A I can't say for sure where he got it, but it is my belief he got it through them.

Q What were you making, by the way, in this job at the listening post? How much were you getting?

A In France?

Q Yes.

A I think it was about 450 to 500 marks. I don't remember for sure now.

Q How much was it said would be paid to your family when you left the sabotage camp, do you remember?

A This was the money I received while in France at the listening post.

Q That is what I asked you. Now I am asking you how much the paper said your family would get while you were on the sabotage job.

A I have not signed a contract like the other fellows.

Q Why was that? Because you were in the army?

A No, because at that time I was not in the army. I was working for the Propaganda Ministry, and when called up for military service any place in the Army they keep up paying wages, but there was a provision made that my wife would get a certain amount of money.

Q How much?

A I think about 300 marks, if my office does not pay.

Q Now, going back to the conversation with Kappe, he

3b

knew what you had done in the United States, did he not?

A He was quite well informed, yes.

Q Why did he talk about what you had done in the United States?

A Well, that is the natural thing to do. I mean, I have not seen him and he has not seen me.

Q Was Boehmer there?

A No. That was alone in my office then.

Colonel Royall. May I ask the witness to talk a little more straight out this way?

6 The Attorney General. Can the Commission hear the witness?

The President. Yes.

Questions by the Attorney General:

Q Who is Dr. Dieckoff?

A He was the German Ambassador here.

Q He was in Germany while you were there?

A Yes.

Q It is spelled D-i-c-k-o-f-f; is that right?

A I wouldn't say yes. I am not sure.

Q They inform me it is D-i-e-c-k-o-f-f.

What was the first thing Kappe said to you about this plan he had for you?

A May I have that again?

Q What was the first thing Kappe said to you about this plan he had for you?

A It is impossible to recall that word for word. It is too long back.

Q You remember generally, don't you?

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A "Do you want to go back to America some day?" That is what started it.

Q What else?

A I must have said "Yes" to him.

Q He talked about a military mission?

A I don't believe that was the first day. That was the second day--second time.

Q What else did he say?

A He said, "Would you go on a military mission to the United States?"

Q What did you say?

A "Like the British do in France?"

Q What did you say?

A I said "Yes."

Q And you meant it, didn't you?

A I don't know. I don't think so.

Q You mean when you said "Yes" you did not mean yes?

A I hoped it was just a way of talking--I had a way to get out again.

Q Were you lying to Kappe?

A I would have.

Q You were at that time?

A Yes. I hoped to get out of it again without any consequences.

Q Who was your superior officer in the listening post? Who was your superior officer?

A Well, this listening post belonged to Richthofen.

Q Was he in the Army?

A He is a general of the Air Corps.

5b

Q He was your superior officer?

A Well, he was high up.

Q But who was immediately over you?

A I have forgotten the name. It was--

Q Never mind the name. What was his commission? What was his rank?

A Oberlieutenant.

Q What is the equivalent of that here?

A I think it is second lieutenant here.

Q What steps did you take about being transferred? Did you speak to your oberlieutenant about it?

A At that time that listening post was given up and at that time I got a job in Berlin with the Propaganda Ministry.

Q When you were in the Propaganda Ministry whom were you working with?

A Schmidtdecker.

Q Was he an oberlieutenant, too?

A No; he is a private.

Q He is a private?

A He is a civilian.

Q Did you talk with him about Kappe's plan for you?

A Yes, after it got to a stage when I thought I had better get out.

Q What did you say to him?

A Well, I had signed up a so-called concentration camp declaration. That is a paper--keep everything secret what you have heard. That is always a plan form made out for any job where you have any secret papers - anything passing through your office.

6b

Q When did you sign that? Before you saw Kappe?

A No. I signed that in my own office, but for Kappe I had to sign another one, and that was shortly before I gave up my office there, and when I tried to get out I talked to my superiors.

Q To whom did you talk?

A Schmidtdecker.

Q What did you ask him to do?

A Well, I told him the story, how it was, that they wanted to get over here, and I wasn't quite sure than it was a military mission or what it was, but I knew I was too deep in there. I told them straightout I didn't think much of that undertaking.

Q What did you ask him to do?

A I told him I would like to get somewhere. I said, "What can we do?"

Q What did he say?

A He said, "I will try and get you a regular army requisition," that the Army would call me for another duty, a front line duty, and that they did.

Questions by a Member:

Q Regular Army calling for what?

A Front line duty, call me up as a solider.

Questions by the Attorney General:

Q Well, did you get that order?

A Yes, this order came before I had given up my job.

Q And what did the order command you to do?

A I was to report to the Air Corps again, but then I had to call Kappe up, that I was called up by the Military

7b

Service. He said, "Well, we will stop that."

Q Why did you call Kappe about it?

1 A He had sent in the meantime a letter to my office to relieve me of my duties.

Q Kappe stopped it?

A Yes. I told him that I had been called up already by the Regular Army.

Q And he stopped that?

A He stopped this one thing.

Q Did he tell you he stopped it?

A Yes.

Q Did you say anything more so as not to go to this school? What other efforts did you make to get out of it?

A While I was in school I made a few efforts.

Q But not until you got down to the school?

A Then I couldn't any more.

Q Well, you did not?

A I told them a few times I don't think very much about the whole thing.

Q You remember Scotty there at the school?

A Scotty, yes.

I said to him, "Well, do you think, with a group of men you have here, you can go to an undertaking like this?"

He said, "Why not?"

I said, "Well, look at Dasch. I don't think very much of Dasch."

He said, "Well, you know, Dasch is a relative of"- What is his name?

Q Barth?

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A "Reinhold Barth, and we have checked up on him. He is all right."

I said, "Well, what do you think of Peter Burger?"

Q Had he checked up on Peter, too?

A Yes. He had a letter from his superior officer--Colonel Royall. Of course, I am in the position of representing Burger, too. A letter which he does not have or what somebody else said about Burger of course would not be competent.

The Attorney General. May it please the Commission, Colonel Royall has opened wide, in his examination of all his witnesses, hearsay. I made no objection. I think your rulings so far have been that anything is relevant which shows the state of mind or intent of these men. This witness is testifying what Kappe told about Burger. I think it is proper.

Colonel Royall. I was not objecting to what Kappe told him about Burger in itself, but I was objecting to what this witness said that Kappe said that somebody else had written Kappe, and that certainly is not competent. The letter would have to be produced, if it were competent at all, and it would not be if it were. You cannot try this case on what somebody else wrote, I do not think, as against the defendant Burger.

The defendant Burger objects to the contents of that letter or to any conversation.

Questions by the Attorney General:

Q Kappe had a letter about Burger, did he?

A Right.

Q What did he tell you about Burger?

A Well, I asked him how he is sure that Burger is all

right, knowing that he came out of a concentration camp.

He said, "Well, we have checked up on him and he is all right."

Q That was true of Dasch and Burger. Did you ask him about some of the other boys he was planning to send down to the school?

A Yes, in the same conversation it came up.

Q Whom else did he say he was going to send down?

A That was while we were in the school already.

Q I am sorry. Did you ask him how he had gotten hold of the records of some of the other boys and how he knew they were all right? How about Thiel?

A This I could not ask, but I told him--there was no reason to ask. I knew he had checked up on me and Burger and probably had on the others.

Q Did he tell you he checked up on any of the others? You knew he checked up on Dasch.

A I did not ask him. I had no reason to ask.

Q I did not ask you that. Did he tell you?

A No.

Q Did you see all these other men at the school--all these other seven defendants?

A Yes.

Q What was Scotty's real name?

A I don't know any more.

Q Had he lived in America?

A Yes, he had lived here.

Q Do you know any of Scotty's friends over in America?

A No, I do not.

10b

Q Do you know any of Swenson's friends here or in Canada?

A I knew that he came from north of Edmonton, and he told me that he just passed through.

Q How about Zuber?

A That was one of the others I brought up.

I said, "How can you send a man like Zuber? He has not been here for five or six years, does not talk English, and has been held at Ellis Island."

Q Do you know any of Zuber's friends in America?

A No.

Q I think part of your special training was to blow up the Hell Gate Bridge, was it?

A It was not any special training.

2 Q Part of your plan was to blow up the Hell Gate Bridge? It was the plan of your group, was it not?

A No, not even that. Hell Gate Bridge has come up. I don't know who brought it up. It has been mentioned.

Q Mentioned in what connection?

A Blowing up bridges.

Q That was one of the bridges that you planned to blow up if you could, was it not?

A I didn't plan to blow it up.

Q I am not asking you about you planning to blow it up, but the plan of the sabotage group that were being sent to America had in mind the possible blowing up of the Hell Gate Bridge, had it not?

A It has been brought up not to go on any bridge and try to blow it up; first, because we do not have any material

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and not enough men and it would be impossible.

Q Will you try first to answer the question? I asked you whether part of the plan was not to blow up the Hell Gate Bridge. Can you answer yes or no?

A It was not.

Q It was not?

A No.

Q What was said about the Hell Gate Bridge?

A It has come up in conversation, I think, about Reinhold Barth, and the other two teachers, Koenig and Schultz--those two teachers came out and explained to us on a model it is impossible for us, with our facilities, to blow up a bridge of that size.

Q Were you told not to blow up any bridges in America?

A We were told to keep our hands off bridges.

Q What were you going to do to railroad tracks? What were you going to do in work on railroad tracks?

A I had no intention--

Q I did not ask you that.

ColonelRoyall. Well, now, I make objection, sir. I do not think that counsel should comment on the witness' statement. He said he did not ask him what he was to do with railroad tracks. I think he did ask him that. That is what I understood him to ask him. I do not think there should be a comment made by counsel as to what the witness said or did not say. If you ask him another question I will ask the Commission to require him to answer if he does not answer, but I do not think it is proper for counsel to comment on his understanding.

The President. This is cross-examination by counsel.

12b

Colonel Royall. Yes, sir.

The President. As I remember, on your examination you did bring out, by questions, that they were confining themselves to sabotage.

Colonel Royall. That is right, sir.

The President. So that it seems to me it is permissible to find out what class of sabotage they were coming over here to do.

Colonel Royall. Apparently I did not make myself clear to the Commission. I am not objecting to the questions at all at this stage. I am merely objecting to the comment of the Attorney General after the witness is asked a question, when he says, "I did not ask you that." That is a comment on what the witness is doing. I do not think you can comment on a witness during his examination. You can ask him questions. I merely am objecting to a comment made by the Attorney General with reference to the witness' answers. If he will confine himself--

The President. Does the Attorney General care to make any comment?

The Attorney General. The only way of getting an answer out of this witness is by his not answering the question directly. I went over the whole plan to sabotage bridges. He said therewere no plans. Now I am asking about the plans with respect to railroad tracks. He said, "I did not intend," and I said, "That was not my question." I think it is a perfectly appropriate thing to do.

Colonel Royall. Suppose he reads the question that the Attorney General asked him and see if that was not the question.

The President. I do not think we need to do that. My

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remembrance is that of the Attorney General's. The question may be put in the form that seems best to bring out the fact.

Questions by the Attorney General:

Q What were your instructions or plans--that is, of your group or either of the groups--with respect to railroad tracks and railroad trains?

A They instructed us or advised us to go after railroads, blowing up freight train tracks, putting abrasives into the hot boxes, and slow down freight delivery. Plans I did not have made.

3 Q You were instructed to do that without hurting anyone?

A Yes.

Q Just how could you do that without hurting anyone?

A If I put abrasives into railroad boxes it is perhaps the easiest thing to do. It would not hurt anybody.

Q You were instructed to put bombs inside of some of the lockers of stations, weren'tyou?

A I have not.

Q When I say "you," were any of your group instructed?

A I don't know. This is the first time I heard it here.

Q You never heard of it before?

A No.

Q You never heard of it at the camp?

A No.

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Q I would like to know a little bit more about this handkerchief with the secret writing on it. Who put the secret writing on the handkerchief?

A I did, myself, with the help of a chemist who mixed this fluid; and the address given was typewritten by Kappe.

Q Did you make any suggestions about the names and addresses?

A No. I had given Kappe the name of a friend of mine, which he asked before, but I didn't know for what purpose. That is the only name I had given him, as far as I know.

Q Given to whom?

A Kappe.

Q For what purpose?

A He asked me, "Have you any friends over there?" I told him I had only one friend in the United States that I had known for a long time.

Q Why was the name written on the handkerchief?

A That was not written on my handkerchief.

Q What was the purpose of writing any names on the handkerchief?

A I had the address of Dasch so that if I lost Dasch I would catch up with him again through that address.

Q What about the other names on the handkerchief?

A That was a name that has been mentioned, if we needed any help we could try and get in touch with him, but we were warned not to.

Q Who?

A Dasch and I. He had not seen that man for about half a year.

Q Why was that name written on the handkerchief?

2w

A It was an agent they had over here.

Q What about the names and addresses in Lisbon?

A If we wanted to get in touch with Kappe.

Q Why would you want to get in touch with Kappe?

A Because the addresses I had given to Kappe would not be good any more for me and I would let him know where I was.

Q Did Kappe or anyone tell you you must write him about your address?

A He said he had no need to hear from us if we didn't have any reason to write to him.

Q He did not tell you not to write to him, did he?

A No. He said, "We don't know, anyway, how long the address is good. We don't know what will happen in Portugal." At that time it looked like Portugal would be occupied.

Q What was the point of having an address at all? Just to give him your change of address? Is that the only point of it?

A At first he advised us to get somebody on the radio, but we were against that. We said we had no reason. He said, "We will see." That kept on until after the school was over, and before I went on vacation I was told to come back a day earlier, and then he gave us that address. He said, "Maybe you will want to communicate with us." That had been talked, the first part of it, and then on our advice it was dropped.

Q And the handkerchief plan was substituted for the radio plan?

A Not then.

Q Later?

A That came on after I came back from my vacation.

3w

I was told to come back a day earlier, and then he told us, "Here is an address in Portugal. You can take that along."

Q First, the radio was planned as a means of communication, and that was dropped?

A It was not our plan; it was his plan.

Q Yes; I understand. And then the handkerchief plan was substituted for the radio plan?

A I wouldn't say "substituted."

Q It was decided on instead of the radio plan; is that right?

A I wouldn't say "instead" or "substituted." It was just given us then.

Q Did any German soldiers go down with you on the train to Lorient?

A That was a mixed train.

Q Did any soldiers go with you?

A With us? We had our own compartment.

Q Did any soldiers go with you? Can you not say yes or no?

A It was a mixed train. There were soldiers and civilians on it.

Q Did soldiers go with you in your compartment?

A Not in our compartment; no.

Q You gave the money satchel to Haupt to hold, did you not?

A Yes.

Q When was it you gave it to him?

A I think it was down in Florida.

Q How long did he keep it?

A I have never seen it again.

4w

Q Why did you give it to him?

A I had too much money on me, anyway, and I thought I had better give it to Haupt. I was not too sure of him, anyway, and I would rather have him with money than without money.

Q You mean, you were afraid he might give you away?

A I had my doubts about him.

Q Doubts as to what?

A If he had not any money he would try to give me up and try to get some money.

Q And you naturally did not want him to give you up?

A No, not then.

Q Did you want him to give you up later?

A I had not made up my mind what we were going to do.

Q When was it that you had not made up your mind?

A Down in Florida, when I gave him this.

Q When you gave him the money you had not made up your mind what to do?

A No.

Q By the way: you spoke on your direct examination about burying these boxes in Florida. You buried them very carefully so they could not be seen and could not be found, did you not?

A We buried them quickly and got away from there.

Q I thought from what you testified you wanted to have us understand that you buried them with great care and covered them up so nobody would find them. Was I wrong?

A We tried to do our best.

Q It was a quick job; but you did your best; is that right?

5w

A Yes.

Q What kind of uniforms did you have on when you left the submarine?

A I had a cap on and a bathing trunk and a coat.

Q What kind of a cap?

A A military cap.

Q Like one of these that has been introduced to the Commission?

A Yes.

Q What did you do with that cap? What happened to it?

A I thought I had thrown mine back in the boat, but I later found it was buried with the others.

Q What did you wear on the submarine?

A Mostly bathing trunks.

Q What did you wear when you were not wearing bathing trunks?

A A pair of pants.

Q A fatigue uniform?

A I think I had a pair of old pants on.

Q Did you wear clothes like the ones brought into court here?

A Not on the submarine. I had old pants on.

Q Did you ever wear clothes like that?

A I wore them going to the boat in Lorient and getting off; I wore a coat and hat.

Q And the other boys wore the same kind of clothes?

A Yes.

Q Where did you get them?

A In Berlin.

6w

Q From whom?--the army?

A The army or marine.

Q How did you register in New York?

A I have not registered there, sir.

Q You did not register in New York at the hotel?

A Oh, yes.

Q What hotel?

A The Commodore Hotel.

Q How did you register?

A By the name of Kelly.

Q Edward Kelly?

A Yes.

Q That was the name that you and Kappe had planned that you were to use in America?

A That was advised by Dasch.

Q Kappe had talked about it, had he not?

A Yes, sir.

Q That was part of the plan, that you were to use the name Edward Kelly?

A Yes, sir.

Q Did you use it in any other way while you were over here those few days?

A Down in Florida I registered in the hotel down there.

Q What hotel?

A The Seminole Hotel in Jacksonville.

Q Who was with you in the Commodore when you registered, if anyone?

A Neubauer.

Q How did he register?

A He didn't register at all.

7w

Q Did you register for him?

A No; I just registered in my name.

Q And he got a room without any registration?

A Yes, sir.

Q Who was with you when you registered in Florida, in Jacksonville?

A Just Neubauer and I.

Q Perhaps you misunderstood me. I meant to say, who was with you in New York when you registered?

A Thiel.

Q Did he register?

A Yes, sir.

Q In what name?

A I believe, Thomas.

Q You know that to be true, do you not?

A Yes, sir.

Q Was that the name he had been given in Germany by Kappe and Dasch?

A Yes, sir.

Q Did you meet Tony Cramer on June 23?

A Yes.

Q Who is Tony Cramer?

A A friend of Thiel.

Q Were you with Thiel when you met Cramer?

A They had been in that little place where I met them. When I got there they had been there, sitting there.

Q Did you or Thiel tell him about what brought you over here?

A No, sir; I didn't talk to him very long.

Q Did he ask you what brought you over?

8w

A No, sir.

Q Did he ask Thiel why he had come over or how he had come over, when you were there?

A Not that I know of.

Q You saw Hedy Engermann when you came over?

A Yes.

Q When did you first see her?

A Monday noon, for a few minutes.

Q I understood you to say that part of your plan was to come back to America in order to get a divorce?

A No. That was misunderstood.

Q Pardon me.

A I wished to come here to see my wife and help her as much as I could.

Q Were you going to get a divorce?

A No. I was trying to get my wife back again.

Q Back where? Oh. You mean, to live with you again?

A Yes.

Q Your wife was hard up, was she?

A Yes. She had an operation and was sick.

Q How much money did you leave with your wife when you went back to Germany?

A I don't know how much she had at that time; not very much.

Q Who was Krepper?

A That is a name which had been given to me by Kappe.

Q For what purpose?

A Probably if we needed any help we could get in touch with him.

9w

Q What was Krepper's first name?

A I don't know. It was probably on the handkerchief, but I have forgotten it.

Q Did you ever see him?

A No, sir.

Q Who was Lamm?

A A friend of mine. We had worked together in Short Hills.

Q You went to see him when you got here?

A I tried to see him.

Q Did you see him?

A No, sir.

Q You said you thought Burger was not going through with the plan?

A It was quite obvious.

Q What made it obvious?

A I knew he had been at a concentration camp, and the way he acted he was not too sure.

Q How did he act?

A He didn't care any too much over there about the whole thing, and it looked like he just thought, "Let us get over there and see what happens."

Q Would it be fair to say that from the very beginning of the concentration camp you were certain that Burger would not go through with it?

A I wouldn't say, certain, but I had that feeling.

Q Did you ever say anything to him about it?

A No. I had one talk with him in Paris and there was a short mention of it.

Q What happened at that time? Did he say he was not

10w

going through with it?

A He didn't say anything; he just complained to me about how careless the others were.

Q Were you alone with him during that talk?

A That was on the street.

Q Were you alone together?

A Yes, sir. It was just a few passing remarks.

Q None of the others were there, were they?

A They were standing around near there.

Q You spoke of Dasch being doubtful. When did you first think Dasch was doubtful?

A Anyone who knows Dasch would have his doubts.

Q I do not know what you mean by that. You said you were doubtful whether Dasch would go through with the plan. What made you think he would not?

A The way he acted over there.

Q How did he act?

A Disinterested; just his habit of talking, "Let us get over there and let us see. What is the use of talking now about it?"

Q Did Kappe notice that he was disinterested?

A I talked with him one time about it and he said, "Oh, that is all right."

Q You were a little nervous about it and talked to Kappe about it; is that right?

A Yes.

Q And you say Kappe said he was all right?

A Yes.

Q Did you say to Kappe that if you had to come back

llw

you might be able to come back through Mexico?

A I didn't tell Kappe anything about that.

Q Who did you tell about it?

A Over there I didn't talk to any of them.

Q You said nothing about coming back through Mexico, when you were in Germany at the camp?

A No. We could not. It was impossible.

Q Well, you did not?

A No. I mentioned it on the submarine.

Q To whom?

A To Neubauer.

Q Yes; I think you said that before. What was this gas rationing that you heard about on the radio? Did you hear it on the radio yourself, or did someone tell you?

A No We listened to the radio program down there.

Q What did you hear about gas rationing?

A That there was a gas shortage, and you had to register for gas.

Q Did it say where the shortage would be and who were going to be registered?

A On the East coast, and then it wasmentioned that it was to be all over the country.

Q When you landed did you ask anybody about the gas rationing?

A No; I did not.

Q You did not ask anybody about it?

A No, sir.

Q Were you told to enlist persons who were sympathetic to the German cause?

12w

A It was told us that we could do it if we thought it advisable.

Q Were any names given to you of persons who might be sympathetic?

A No. It had been mentioned over there that we should try to get Germans if we can, or Americans; but we would not risk it.

Q Who mentioned that?

A Kappe.

Q When you were arrested were you looking for a hide-out to which the explosives could be brought?

A I was waiting for my wife.

Q At any time before you were arrested had you been looking for a hideout where explosives could be brought?

A I was not looking for a hideout where explosives could be brought, but I had been looking for a place where I could stay without having to live in a hotel. I thought of that.

Q Of what?

A Trying to find a place where I could live.

Q What were you going to do with the explosives?

A When we were arrested I had given it up, about digging them up at all.

Q When did you give it up?

A I had myself made no plans about giving it up.

Q You said you had given it up.

A I never intended to get them out of Florida.

Q You had no plans about it?

A I had no plans to go through with the whole thing.

13w

Q You were just going to leave the boxes in Florida?

A I was not quite sure of that. I was worried because I was not sure how they were buried; and after I found the notice in that newspaper that the F.B.I. was looking for Germans coming off a submarine in Florida, I told Thiel we would have to leave the boxes.

Q That is what finally decided you?

A No. I had myself made up my mind not to go down there any more. I thought I might go down to see they were buried good so we could leave them there. I was not quite sure how they were.

Q You thought you might go down there?

A I had thought about it but had not made any plans. I was worried whether those boxes were buried good enough to leave them there.

Q Had you planned to buy a car to drive down?

A No.

Q Had you talked about any girl going down to get them?

A No.I mentioned to Hedy Engermann if she would go on a trip with me.

Q Why did you say that, when you say you had not talked to any girl about going down there to Florida to get them? Why do you say now you talked to Hedy Engermann?

A I thought that was the girl you meant.

Q What did you say to Hedy about the stuff that was buried?

A I didn't say anything about it.

Q Did you tell her about what you had come over here for?

14w

A I don't think so. I told her at one time, "Don't ask me any questions and I will tell you no lies."

Q Did she ask you?

A She questioned me a few times.

Q But you would not answer her at all?

A Not direct; no.

Q Did you plan to marry her after you had divorced your wife?

A No. I was not going to divorce my wife. My wife wanted me to marry Hedy Engermann.

Q What address did you give on your registration card in New York?

A I have forgotten. It was some place out in Illinois or Indiana.

Q You do not remember?

A I do not remember.

The Attorney General. I will ask the reporter to mark these two photographs.

(A photograph of Kelly's registration at the Commodore Hotel in New York was marked P-261 for identification.)

(Photograph of registration card of Kelly at Hotel Seminole, Jacksonville, Florida, was marked P-262 for identification.)

Questions by the Attorney General:

Q I show you P-261 which seems to be a photographic copy of a hotel registry in New York. Is this a photographic copy of your registration at the Commodore Hotel?

A Yes.

Q Will you read it?

15w

A (Reading) "Edward J. Kelly, Waltan Company." It might be "W-a-l-t" or "W-a-l-h."

Q What was it? You wrote it.

A It could be Walham Company, Clinton Street, Hammond, Indiana.

Q Is there such a company?

A Not that I know of.

Q Who suggested that you give this address?

A Well, when we got into New York from Cincinnati I had it on my registration which had been given me. It would not have looked any too good to have lived in New York when I had an apartment out here, so I decided to take another address out in Indiana.

Q You just made this up?

A Yes.

Q Why did you register with a false address?

A My name is known here. I have been checked up by the F.B.I. before, and they had my fingerprints.

Q What is the date of this? You can probably remember the date.

A June 21.

Q 1942?

A Yes, sir.

Q I show you P-262. It seems to be a photograph of your registration at the Hotel Seminole. Can you read it?

A (Reading) "Edward J. Kelly, 2314 29th Avenue, Astoria, N. Y."

Q Is that a false address or a real one?

A False.

16w

Q Where did you get that address?

A That had been put on my registration card, or something similar to that, my registration which you have.

Q The registration card that Kappe gave you?

A That Dasch gave me.

Q And you used the address on the registration card, or something like it, to register?

A Yes.

Q You meant to follow the registration address as closely as you could?

A I had forgotten the number which was on there. I just marked it as I remembered it.

The Attorney General. I will offer these two exhibits in evidence.

Colonel Royall. No objection.

(Photograph of registration at the Commodore Hotel, New York, previously marked P-261 for identification, was received in evidence.)

(Photograph of registration card at Hotel Seminole, Jacksonville, Florida, previously marked P-262 for identification, was received in evidence.)

Questions by the Attorney General:

Q When you landed in Florida did you intend to follow out your instructions to commit sabotage?

A No. I had given it up by then.

Q I want to examine you with respect to your statement of June 28. Is this statement correct?

A No; it is not.

Q What is incorrect in this statement?

17w

A There are points left out and points phrased not exactly the way I told them.

Q Let us see if it is phrased just the way you told them. I will read from page 9 of your statement--or perhaps you had better read it yourself. Some of it is in your writing. Start reading at the top and read it distinctly.

A (Reading) "At the time of my landing I intended to follow my instructions and to sabotage power lines and other facilities that might be suitable, but in the course of my stay I came to the conclusion that our orders were made impossible to fulfil as the means of transportation were too insecure."

Q Some of that is in your handwriting, is it not?

A Yes.

Q What part of it is in your writing? Read the part that is in your writing.

A (Reading) "But in the course of my stay I came to the conclusion that our orders were made impossible to fulfil as the means of transportation were too insecure."

Q Is that statement correct?

A No, it is not; not on that point.

Q When you went to Germany in 1940 you called on the German consul first about your passport?

A Yes.

Q Did the German consul offer to pay you your passage to Germany?

A If I had no money I could have gotten money; but I have never--

Q You have not answered the question.

A That question did not come up, because I had enough

18w

money.

Q You mean, he did not make that offer?

A He asked me if I had enough money.

Attig fls
12:15 p m

Attig
fls.
Wilfong
12:15

Q This is the statement of June 28. I am reading from the next to the last paragraph:

" * * * I might state that prior to my last trip to Germany in 1940, I called at the German Consulate in New York and discussed my proposed trip with them. At this time, Mr. Maisch of the Consulate office offered to pay my way to Germany by the way of Lisbon, Portugal, but inasmuch as I had sufficient money to pay for the passage, I refused his offer."

Was that incorrect?

A Well, I was asked there if I had enough money, and I told them, "Yes."

Q Is this statement correct or incorrect?

A Well, it says about the same thing, but it is not phrased the way I had it phrased there.

Q I was not clear what you said about this: I asked you whether when you went to Germany on some of those shorter trips before the last trip you had worn any uniform. I think I asked whether you had worn the uniform of any organization or of the Nazi Party. Did you say "No" to that?

A No, I never wore any.

Q I am handing you your statement of June 30 and refer you to the third paragraph. I wish you would read the third paragraph. I see that there are several corrections in your own handwriting--two of them. Will you read that paragraph, please?

A "In June of 1928 I became a member of the N.S.D.A.P. or the Nazi Party. As a party member I wore a uniform from 28-29 when I was in Germany, to indicate my party membership.

o2 In 1932 my wife joined the Nazi Party, and both she and I are at the present time, still members of the Party. I have never held any office orrank in the Nazi Party."

Q Maybe I misunderstood you, but I thought you said you had not worn the uniform of the Nazi Party on those trips to Germany.

A I never had one.

Q Is this statement right?

A That statement is right. As a member, I wore the uniform from 1928 to 1929. That was before I left Germany.

Q Over here you wore the uniform?

A No, in Germany, before I came on the trips.

Q You wore the uniform in Germany?

A At the time I became a member, in the first few months.

Q Did Haupt furnish you with a name or names to be used in case of trouble or to use for the group?

A Any name?

Q The name of any person.

A I had been given an address of Proehling in Chicago.

Q Haupt gave it to you?

A No, I think it was Kappe.

Q You think it was Kappe?

A Yes.

Q You are sure Haupt did not?

A At that time I had thought it was Haupt, but I don't think it was. I remember I was in--was sitting outside in a little house, and there Kappe gave me that number.

Q When you told the F. B. I. about it, you thought it

03 was Haupt; but now, having thought it over, you think it was Kappe?

A Yes. It was the natural thing to think, because--

Q (Interposing) What was the natural thing to think?

A That the address came from him.

Q Why was it natural to think that the address came from him?

A Because he knew Froehling was a relative of Haupt.

Q Kappe knew all about Haupt?

A Yes, he knew about Haupt.

Q You said you tried to find Krepper but didn't find him?

A No. I passed through Newark, and there I took a look in the telephone book. I had no intention to go to see him, because I wasn't--while in Cincinnati I have seen in the newspaper an article that there was a Protestant minister that was arrested and, I think, convicted, and I had an idea that was the same one, and I didn't go near.

Q At that time your main interest was in finding a hide-out, was it not?

A No, not then, I wouldn't say.

Q I shall have to read from your statement again. It is the third paragraph on the last page of the statement signed July 1, 1942, dated June 30:

"On Tuesday afternoon, June 23, 1942, Leinert accompanied me to Newark, New Jersey, where I made an attempt to verify the address of Krepper, which had been furnished me by Lieutenant Kape. He told me that in case I needed any help in the United States, Krepper

might be in a position to furnish such help."

That is correct so far?

A So far that is correct, yes.

Q At that time you were primarily interested in locating a hide-out; is that correct?

A That is about right.

Q I thought you stated you were not interested in a hide-out at that time.

A But I didn't know Krepper. I wanted to find an apartment. This is another instance of where the statement was taken over a long time and a sentence was put in there. If you take one sentence after another--

Q (Interposing) Well, you tell us about it. I do not want to confuse you about it. Tell us what actually happened.

A I have been going through Newark and was in the railroad station and looked in the telephone book to see if I could find that address in there, but I had not at that time developed the handkerchief to find out the exact address. I didn't know where it was. I just remember darkly the name of Frye, with whom he should have lived at that time; I wasn't sure. So, I looked it up and didn't find it in there.

But at that time when I was apprehended, I had to think about a place where I could live, but it was all independent of that Krepper, because I couldn't--I didn't try to look up Krepper. He was--Kappe told me he had not heard from him for a long time or not at all since he returned here. And another thing, I had seen in the papers that they had arrested a preacher down in Philadelphia, I think it was, and that was

05 the reason I didn't want to go near him.

Q What date did you see Hedy Engeman?

A Monday afternoon for a half hour or so.

Q Where did you see her?

A Central Park.

Q At some restaurant?

A Central Park, New York.

Q At some restaurant?

A No, no; in the park.

Q In her apartment?

A No; in Central Park.

Q Did you say to her that you came over to the United States in a submarine, landing off the coast of Florida?

A I tried first to make her believe I came from Mexico; when that didn't work, I told her, "Well, don't ask me any questions"; and then she mentioned, "Well, you came on the submarine," and I didn't say yes or no.

Q Did you say that to her or not?

A Not directly, but I wouldn't have said, "Yes, I came in the submarine," but when she said, "You came in the submarine," I didn't say yes or no; I left her to make up her own mind.

Q Did you say to her that Hermann Neubauer was in the United States?

A I never mentioned it.

Q Did you say to her that you had to pump while you were on the submarine so hard, something like the pumping on the Lekala?

A That was the next day. I met her next day again.

Q Oh, it was the next day you told her you came over

o6 on the submarine?

A Well, I didn't tell her then that I came from the submarine, but it was the only way to get over here. She knew that there was no other way out.

Q She just guessed that?

A Yes.

Q You did not tell her you had come over on a submarine, but you did tell her what you had done on the submarine?

A I didn't deny it.

Q But you did not tell her you had come over on the submarine?

A I didn't tell her when she asked me--not the first day.

Q Did you say anything to her about having to go to Cincinnati, Chicago, and Florida?

A I asked her did she want to come with me to Cincinnati and Chicago.

Q Did you say anything to her about Florida?

A I asked her how would she like to go to Florida, because we had been down there together.

Question by a Member:

Q You said because you had to go to Florida?

A No; we had been down there together. I met Hedy Engeman in Florida in 1939.

Questions by the Attorney General:

Q Did you know a girl named Miriam Adams?

A Yes.

Q When did you know her?

A I met that girl in 1936.

Q When?

A 1936.

Q Did you write to her sometimes?

A Yes.

Q Was she a girl friend of yours?

A She was a friend of mine.

The Attorney General. I will ask to have this letter and envelope marked for identification.

(Letter of December 22, 1940, from E. Kerling to "Dear Miriam" was marked as Exhibit P-263 for identification.)

(Envelope was marked as Exhibit P-263-A for identification.)

Questions by the Attorney General:

Q I show you Exhibits P-263 and P-263-A for identification. Is that the letter that you wrote her? If it is in your writing, I should think you could tell without reading the whole letter.

A That is my writing?

Q Did you write that to her?

A Yes.

Q Will you read it to the Commission?

Colonel Royall. What was the date of it? Does that appear?

The Attorney General. December 22, 1940.

The Witness (reading):

EXHIBIT 263

"Dear Miriam.

"Perhaps you are surprised."

The Attorney General. You had better read it so that we can understand it.

o8

The President. Read it so that we can hear it.

The Witness (reading):

"Yet, in spite of all, I haven't forgotten you. Here is Christmas coming along and my thoughts wander back through years of excitement, troubles and also happiness."

The Attorney General. A little more slowly.

The Witness (reading):

"And you are to me an outstsnding point in my life amongst you Americans. I haven't changed yet, my feelings are the same, even if you think that I have given you the 'run around' as you termed it at our last meeting. Miriam, perhaps it was better the way it all happened. I wonder if you would be happy under the present situation - neither would I be content, should I have been forced to stay in the States. It would in any case be difficult, but I hope that the time has mellowed your bitterness and that you remember our happier hours together and that you have forgotten the dissapointments. I have not given up hope to hear from you some day. Miriam, this Christmas I hope you are very happy. I know this letter will reach you only weeks from now, if it ever does. But be assured that in these days I have also thought of you. For the coming year I wish you good luck and may you be spared the worries of wartime. I know you have a brother in the fleet. And if your country should get in on this war I know you have good reasons to fear for his safety. So let us hope it does not happen. The future does not look any too bright for you. Personally

09

I would not be surprised if Mr. Roosevelt should imitate Mr. Wilson. In that case, Miriam, we should have to be enemies! It looks crazy - but Mr. R. seems to think that we are out to make out of the good old U.S.A. a colony of Germany. I hope that saner influences will prevail and stop in time this march to war. History would repeat itself once more. After this war, every Englishman would laugh at the silly Americans once more. If I remember American History, how old President Adams, and you have good reason to be proud of the old relationship, made a few sarcastic remarks about British friendship, so and he himself favored the old English way of life. So I hope you, out of reverence to this old gentleman, don't favor the British more than he did. Had you been born at the time of the Indian Wars, then your beautiful scalp, and I still have a lock of your hair, would have been worth $8 to the British. Lord Suffolk in the British parliament caused this to be made law, against the protests of the older Pitt, England's outstanding statesman of the 18th century. You may also look up a book of the French writer Ledro Rollin (1850) 'Le decadence d'Angleterre.' The N. Y. library probably has a translation. There you could study British moral. It is not different now. Well, Miriam, I don't write propaganda, at least I don't want to, but I only hope that you over there see in time that you are made once more Britain's fools. Americans forget too quickly - otherwise they should

o10 remember their experiences out of the last war. To me here it is of very little concern if the U.S.A. gets in or keeps on doing what it does not. This war is won for us already. The end is only a matter of time. At present I am in Berlin again. Have been for three months in the Army in France. For me a great and new experience. With these soldiers we can't lose. Here in Berlin you would not know that we are in a war - even I have been surprised when I returned. If it was not for the darkness evenings and the splendid organization of food rationing you would not know it. You have been Berlin in peacetime - it has not changed much and the occasional visits of British planes don't worry anybody. We know we have not started the bombing of civilians, the English did it for months, But we are in a position to pay them back thousandfold. Now they get it. So, I am very happy to be home again during these great times. After the war I may visit the States once more so don't be surprised when I pop up again. But I won't stay long. There is work in Europe to be done. I have a very interesting job here at present. But I burn to get back in the Army again. Tonight I go to Wiesbaden to be at home for Christmas - the first time in 12 years. Will be back in Berlin January 2nd. So, Mariam, I hope to hear from you some time. I am always to be reached at the address above. If anything should happen to me, my friends will notify you - or you will find out, if you should not get any birthday greetings from me. Please remember me to

c11

Jeneva. I also wish her good luck. Should your family object to my writing, then please pay them my respects. I can understand their standpoint, but I hope for their understanding. Miriam, all the good in the world to you. Be happy - and may I say

"'Auf Wiederschein'

"Love and best regards as ever

"Ed."

Questions by the Attorney General:

Q Where was that letter from? It is on the letterhead at the top, I think.

A Berlin.

Q Wiesbaden, was it not?

A No, it was written in Berlin, but it has a steady address in Germany.

Q It has the return address of Wiesbaden?

A Yes, Wiesbaden.

Q That was December 22, 1940. At that time, when you wrote that letter, were you a loyal Nazi?

A I tried to be at that time.

The Attorney General. May it please the Commission, the ordinary hour of adjournment has come, and I have another rather long letter, so if you would care to recess now, it would be satisfactory to us.

Colonel Royall. May it please the Commission, may I make a statement before we recess?

The President. Yes.

Colonel Royall. I should like this record to be as

o12

correct as possible. The last time I made an objection, I feel that the Commission did not understand it. I was not objecting to the questioning by the Attorney General but merely to what I considered comments on the part of the witness. There have been no comments since then. I do not want the Commission to think that I was objecting to the course of the examination, because that was not my objection.

The President. That will be made a matter of record. We shall recess until one-thirty.

(At 12:35 o'clock p. m. a recess was taken until 1:30 o'clock p. m. of the same date.)

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A F T E R R E C E S S

The proceedings were resumed at 1:37 o'clock p.m., at the expiration of the recess.

The President. The session is open. Proceed.

Colonel Munson. The personnel of the Commission, the eight defendants, and the reporter are present, as before the recess. The prosecution personnel is present except Mr. Cox, Mr. Rowe, Colonel Treusch, and Major Thurman. The defense staff is present except Captain Bruton.

The witness is reminded he is still under oath.

EDWARD JOHN KERLING

was recalled as a witness and, having been previously duly sworn, testified further as follows:

CROSS-EXAMINATION--RESUMED

The Attorney General. Mark that.

(Letter dated November 25, 1941, from Kerling was marked P-264. The envelope containing said letter was marked P-264-A.)

Questions by the Attorney General:

Q I show you Prosecution Exhibit 264 and 264-A, a letter and an envelope. Do you recognize them (handing documents to the witness)?

A Yes, sir.

Q That is one of your letters also to this girl?

A Yes, sir.

(At this point Mr. Cox entered the courtroom.)

Colonel Royall. May it please the Commission, as was so often stated by the Attorney General during the presentation of the prosecution's case, it is hardly appropriate to ask

a defense witness to read the prosecution's evidence, any more than it would be for the prosecution to read the defense evidence. However, if you will just give me a moment to glance over this, I think I won't make any objection to this. I want just a moment to look at it.

(At this point Major Thurman entered the courtroom.)

Colonel Royall. There is no objection to the witness himself reading this.

The Attorney General. I think perhaps for the Commission's understanding we had better have somebody else read it, so that they can hear it better.

Colonel Royall. Any way you want to proceed.

Mr. Cox (reading):

EXHIBIT 264

"Dear Miriam: It may take some time"--

Colonel Royall. May I suggest that the witness be reading along with him?

The Attorney General. Surely.

Mr. Cox (reading):

"It may take some time for this letter to reach you--in anticipation of this I don't want to hesitate to send you Christmas greetings at this early date. You may be surprised to receive such a steady stream of mail from me - that is if the greater part of my letters have reached you, but I told you once that I never forget - and these letters may prove the statement. If you'd know how little rest I get and what amount of time I have for my personal correspondence then you'd realize that after all I value my memories of bygone days very highly. No, Miriam, I haven't forgotten and I haven't changed much.

I have made some good friends in America - and I treasure some memories amongst which are the hours we have spent together. Please don't think for a minute that I care to mess up your life you have just begun - and please don't hide these lines from your husband - there is no need of it. This lucky fellow ought to know that others envy him - not in a wishful way but in respect and considering him your husband. But all that will leave some room for an old friendship. So, Miriam, in this spirit I am wishing you - and your husband - a lot of happiness for Christmas and the coming year. May you both enjoy the holidays in a good old American way up there in New England. Your ancestors have brought this old custom with them when they settled up there in the hills. As a good New England girl live up to be a typical American, the way even we Europeans understand and like them. Don't think for a minute that we here are foolish enough to condemn you all in a bunch - or that we even blame you for your present lack of love for us Germans. We know the power of propaganda well enough to know that you are at present only prey of a small group of Jews. The time will come when you once more find out that you have been fooled into a war which is not yours. But this is something for you to find out yourselves. I only hope - and for your sake, Miriam, I wish that this awakening won't be too hard on you. To us it does not matter what Mr. Roosevelt intends to do. We are prepared for everything. You have no idea in America what your soldiers

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would have to put up with. I know America well. I know what you can put against us, but please believe me, Miriam, I feel sorry for the American soldier, for your brother, if he should have to fight against the German Army. Russia had an Army which had been trained for at least 10 years to fight us. Look what happened. I don't underrate the courage of the American boy by no means, but against tactics, training and invasion of the kind you have never seen - he is a helpless child. Miriam, we are in for a struggle for life and death. We know it - that is why our spirit can't be beaten and that is why we are winning. So let us hope that your country finds men with sense to stop at this minute. You have nothing to lose and nothing to win in Europe. After this war I hope we all will find us together again some day to talk about this war. Then we will find out who had right - it's no use to discuss this at present. I am here in Germany and doing my duty. You probably know under what difficulties I reached my country in wartime and what I had to give up to get here. I haven't had one minutes of regret. It's a great time worth while to live in. We sacrifice for a better future which Germany had" --

There is one word left out.

The Witness. "which Germany has deserved," I think it is.

Mr. Cox. "which Germany has deserved"?

The Witness. Yes.

Mr Cox. "Our young soldiers who have fallen on the

5b

fields in Russia have proved the way for a better world, perhaps for you too. It's not always easy to take the news of an old comrade's departure. A few days ago VonWerrathohen made a name for himself even over there - a typical young officer has paid with his life his due to his country. Believe me we don't give our best friends without the resolution to live up to them. This war can't be lost to us, Miriam, it's better America wakes up to this. I hope you will be spared the worries of having your husband or your brother in the field. This is my wish for your Christmas, Miriam. I want to see you happy and laughing as I remember you ever.

"Please give my regards to your family. I hope they have forgiven me and take this letter as what it is meant - a Christmas wish to a good friend and a charming girl.

"Yours always

"Ed.

P.S. Please, Miriam, give my regards to Jeneva and wish her for me Merry Christmas and Happy New Year."

Questions by the Attorney General:

Q What is the date of that letter?

A November 25.

Q What year?

A 1941.

Colonel Royall. Are there some corrections in there?

The Attorney General. Well, wait just a minute. I will ask him about the corrections.

6b

Questions by the Attorney General:

Q Where was it written from?

A From Berlin.

Q What is the return address on the envelope, if there is one?

A Care of Day, Bamberger Street 45.

Q Who was Day?

A Mrs. Day is an American woman living over there.

Q Why is that return in care of her?

A I lived here.

Q You lived there?

A Yes.

Q She was your landlady?

A Yes.

Q Was she working for the Government?

A Mrs. Day is the mother of an American living here and supported by him.

Q Is she working for the Government?

A She has not been working. She is 82 years of age.

Q What is her son's name?

A Mr. Day. His father is in some way connected with an insurance company.

Q What insurance company?

A Some big insurance company.

Q What city?

A I think it is New York.

Q You do not know his first name?

A No. The son is living in New York, I think she told me, and perhaps is a scientist, if I remember right.

7b

I lived with that lady for about six months. When war broke out she had to register, and I helped her out by vouching for her and supporting her with money, because her money which had been sent to her through her son did not get through then, and I vouched for her.

Q Do you want to make any corrections in the way the letter was read?

A I don't know if that was correct:

"I know what you can put against us, but please believe me, Miriam, I feel sorry for the American soldier, for your brother, if he should have to fight against the German Army. Russia had an Army which had been trained for at least 10 years to fight us. Look what happened. I don't underrate the courage of the American boy by no means, but against tactics, training and invasion of the kind you have never seen - he is a helpless child."

I think some of that was not right.

The Attorney General. Mark that.

(Letter from Kerling, dated June 4, 1940, was marked P-265, and the envelope containing said letter was marked P-265-A.)

Questions by the Attorney General:

Q I show you P-265 and P-265-A. Is this another letter that you wrote to Miriam (handing documents to the witness)?

A Yes, sir.

Q When did you write it?

A June 4, 1940.

Q Where from?

A I just don't remember where that was written from.

Q You can look at the envelope, if that will refresh your recollection.

A From Washington.

Q From Washington?

A Right.

Q Washington, D. C.?

A Washington, D. C.

Q What were you doing in Washington then?

A That was June 4. That was on my return from Florida going through here.

Q Return from Florida?

A From Florida to New York. We stopped up here for a day and went out the next day again.

Q What trip was that?

A After we had sold our boat down there and we came up here.

Q Will you read that?

EXHIBIT 265

A "Perhaps you are surprised, but I haven't forgotten that you are about to celebrate another birthday. May I hope that you forgive me for writing you a short note? But I can't let this day pass without sending you any greetings and my heartiest congratulations."

There is something rubbed out here.

Q Well, read what was rubbed out or not. It does not make any difference.

A "After all, Miriam, you haven't been to me just an other girl. If so I would not write to you. The years haven't changed me, not much in any case."

Q If it is rubbed out do not read it.

A "If, as I believe it will happen, America will get into war with Germany in the coming months, I shall pray that their suffering won't be any too great. Miriam, I hope for your sake that it won't happen, as I know you have a brother in the service of your country. My birthday wish for you will be that he won't have to fight with us. You see, today, I had a letter from my family in Germany.

"I know their worries - their only son out of the country, up to all kind of adventures, and no word from him. I had the good news that in May I became Uncle. My sister has a little boy - is very happy otherwise. But they live in the German danger zone. A day after birth the town was bombed by plane. Her child was brought to the camp cellar while she had to stay in bed during this bombing. You know, Miriam, to get this sort of news is not so easy to take. This makes war more personal. I am no blind fool and know that in France or England helpless civilians have to stand the same experiences, and I am not so heartless as not to feel sorry for them too. But it is war. Yet, Miriam, may this coming year of your young life not be troubled with this sort of worries. We know we have to fight in Europe - not for the fun of it, but to live.- not to save some sort of government or some ideals. It's just for room. You may not understand this here, and it looks like America once more wants to save English 'democracy' which, at present, is more brutal as dictatorship in Russia. Miriam, let us hope we don't have to fight each other. In any case don't let us hate each other, even in war.

"Well, Miriam, the last 8 months haven't been any too peaceful for me. I could not get home yet, in spite of every

effort. America seems to like me. With some friends we tried to reach Germany in a small sailboat. Twice we tried it and the Coast Guard stopped us each time. So we had to give it up. A few days ago we sold our boat in Miami. We tried to go home via Japan and Russia, there we can't get out either. Neither can we use the clipper. So we hope for another way coming month, our last chance.

"During all this time we are handled like common criminals. It's no pleasure, but we get used to it. I haven't done a stroke of work all this time just using all my time to find a way out, in order to get home to help my country.

"So you see, at present, I am not as carefree as usual. Miriam, I often wonder how you are. Your ears must have been ringing a lot, if the old saying is true. You know I would give a lot to know what you are doing, to know that you are happy.

"I don't want to bring back unpleasant memories, Miriam, but there has been a fine wish we both have been very happy. I haven't been it since. But one can't bring back bygone years nor make good old mistakes. But we can learn from them. I have taken my lesson, and have lived honestly, perhaps not a model life, but decent. I haven't been any too happy, but I haven't made any more people unhappy.

"I hope your parents don't mind this letter.

"Please give my regards to Jeneva.

"So, Miriam, all the happiness to you on your birthday and these coming years."

Q Is that all?

A Yes, sir.

Q Did you know Dr. Draeger?

A Yes, sir.

Q When did you know him?

A Since 1936 or 1937.

Q You knew him in 1939, didn't you?

A Yes.

Q Did you write this to him in 1939:

"The authorities were suspicious of espionage and asked us questions accordingly. We had no grounds for fear as we had committed no offenses. It wasn't necessary to inform the government of our designes, and some pretended that we wanted to spend the winter on the boat in Florida. In the investigation the authorities showed themselves to be strongly interested in our connection in Germany and, above all, in the military training. According to party-candidate Cappelletti's statements, (which will also be forwarded by him at his proper post of duty, Hamburg, A. O., Office of Navigation) Schroeder made such assertions which at least could have been suppressed at that time, and what is more, according to Cappelletti, they were exaggerated. It was certainly needless to appear as a lieutenant then. I cannot testify to this as I was not present, however, I believe Cappelletti is trustworthy and Schroeder impudent and stupid enough to do it."

Did you write that to Dr. Draeger in 1939?

A I did not write the letter in English words. That is a translation.

Q Is that a translation of what you wrote in German to

Dr. Draeger?

A That is part of one letter.

Q That is part of one letter?

A Part of one translation, and I don't know whether it is correct or not. I must see the German words. But I can explain what that is.

Q You can explain it in just a moment. It is a translation in substance of what you in German wrote to Dr. Draeger?

A Yes, sir.

Q Would you explain now?

A Well, we were held by the F.B.I. and Coast Guard. I had written to the Embassy in Washington, as we had done nothing against the laws they should help us out and give help as any American would get from his own consul in Germany if he is in trouble. Nothing happened on that.

I wrote Dr. Draeger this letter, and in this connection I pointed at the matter of Cappelletti and Schroeder. Cappelletti is a sailor who has been here working for the Standard Oil Company and at that time wanted to go over with us to Germany.

At the same time, before we bought that boat, this idea had been brought up by a man by the name of Schroeder, who was working on a Standard Oil Company boat, and he daimed to be at one time an officer trained on the school ship Niobe.

We thought he knew something about navigation and sailing and found out later that all he told us was not true and he was lying. He had gotten a lot out of us, trying to buy that boat, and I told Dr. Draeger that. At that time I had lost quite a

lot of money through him. He had borrowed $300 from my wife which I had not known at that time that she had given to him, and then I made a complaint about this fellow.

Q Who was Dr. Draeger?

A German Consul.

Q Why did you report this about Schroeder to Dr.Draeger? On account of the money you lost?

A No, because he had been living as a German citizen, was taken care of, part, by the German Government. He tried to swindle us out of money here.

Q You thought the German Consul ought to know about it?

A Yes.

Q Did you have much correspondence with Draeger?

A No.

Q How many times did you see him?

A I knew him quite well.

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Q Where did he live? Where did the consul live?

A In New York City.

Q You were not in New York, were you?

A I lived out of town.

Q Did you go in to see him?

A I saw him once in two or three months.

Q Did you go to his office?

A Yes.

Q Did you answer questions when you went to his office?

A No, sir. I just paid my party dues; I had to pay them.

Q Did you ever know this fellow Cappelletti?

A Yes, sir. He is a friend of mine, interned in Canada.

Q He is interned now in Canada?

A Yes.

Q Is he an Italian?

A No. He was born in the German-Italian district in the Alps.

Q What was he interned for?

A He was caught on the way going to Europe and taken from a Portuguese steamer.

Q Was he working on the steamer?

A No; he was traveling home. He was picked up by the British.

The Attorney General. That is all I have.

REDIRECT EXAMINATION

Questions by Colonel Royall:

Q Who was Cappelletti, referred to in this letter?

A Cappelletti was one of the fellows who wanted to go with us on a boat to Europe as a sailor. None of us knew any

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too much about sailing.

Q What did you mean in this letter by the statement (reading):

"Schroeder made such assertions which at least should have been suppressed at that time and, what is more, according to Cappelletti, they were exaggerated."

A He stated that he had been an officer, had officers' training in navigation and sailing while in Germany, on a steamship, which we found out was not true; and we found out he was nothing but an electrician on a Standard Oil Company boat.

Q In other words, he represented himself to be an officer?

A Yes.

Q And the statement "should have been suppressed" means he should not have said that?

A He should not have said that, and they should have told us that, because they knew who he was.

Q What did you mean by "Party Candidate Cappelletti"?

A He had to register in New York to become a member of the party.

Q That means he was a candidate for the Nazi party?

A Yes.

Q You have to be registered and then to be accepted; is that correct?

A Yes.

Q Do you know whether or not the rest of this letter or that series of correspondence made clear the matter referred to?

A Yes, sir. It must have been clear. There was only

3w

one letter. I had written one letter to the German Embassy complaining that he should help us, and then I complained to him that the German Embassy did not help us.

Q This had no connection with any matter except misrepresentations made to you by Schroeder?

A That is right.

Q In connection with helping you on your trip; is that right?

A And I think I complained about money matters. He handled money transactions for us.

Q You were asked by the Attorney General something about a Mrs. Day.

A That is right.

Q And I did not quite understand what you said. Would you mind telling me what you said about helping Mrs. Day?

A I lived at Mrs. Day's since last fall. Mrs. Day at that time did not have--her money did not come in from her son any more, and she had to rent a room, and I took a room with her on the advice of my former landlady, and I became very friendly with the woman and I helped her out with money at that time until she could arrange a loan from relatives she had over there yet. When the war broke out every American had to register over there, and the lady was 82 years old, and it was winter time, so she could not have gone there every week or every two weeks to register. So I helped her out and went with her to the registering office and vouched for her and they accepted her as safe and did not make it a law for her to come there and register.

Q You say her son was president of an insurance company?

4w

A Her husband. The son is out of the insurance business. I think he is some scientist. He used to come every year to Europe.

Q Do you recall the name of the insurance company of which her husband was president?

A No. It was one of the biggest. It has been mentioned to me.

Q Do you recall any part of the name which might give us some indication?

A No; I do not. It may be found in some register of insurance companies. It must have been quite a famous name here.

Q If I were to give you the names of eight or ten insurance companies, do you think you could select the one?

A No. I have tried that already. But I don't think it should be difficult to find him.

Q He is in an insurance company in New York?

A The father was president of an insurance company in New York. The son is out of the business. He lives as a scientist. He must be quite well off. He was at one time a friend of the former Ambassador Hugh Wilson. He probably knows him, because the lady told me at one time that this ambassador helped out in the last war. I think he was ambassador in Switzerland. That name has been mentioned; I just remembered that.

Q Was she an American citizen?

A I am not quite sure. She was classed as an American citizen over there because her husband was an American and her son is living here. She is classed as an American

5w citizen.

Q Did you have occasion at any time while you were in Germany to render any assistance to any other Americans?

A I helped one young American. I have not found his name, but I can find it out if I had the passenger list of the ship I left on in 1926. I met him on my trip home, and I have written him at one time and he answered. I have not seen him since. But this January, I think it was, I was called to the office of the Gestapo and asked about this fellow and was told he had come into Germany in 1939 and got stuck over there and could not get back any more. At that time he had written a letter to a neutral country. I think it was Sweden, and he mentioned an air raid and described how the bombs had fallen. So they asked me if I had known the fellow.

Q He had written to Sweden describing an air raid where?

A In Germany. He described where the bombs had hit. He was giving information that should not have been allowed to go out, and they questioned me about him and I vouched for him, and the thing was stopped.

Q What was he held for; do you know? What was the charge?

A For giving information that should not go out of the country--probably not intentionally, but he was careless enough so that they questioned me on that and asked me if I knew him.

Q At the time of the two letters which you wrote to Miriam, from Berlin, what were you doing at that time? What was your job at that time?

6w

A I was working for the Propaganda Ministry.

Q Both of those letters were written before America was in the war with Germany?

A Yes.

Q You were asked about some papers being signed at the school. Each man went in individually and signed his papers, and you do not know by seeing each what anybody signed, do you?

A No.

Q I did not understand exactly what you said about uniforms of the Nazi Party. Will you clarify that?

A I have been asked if I wore a uniform while on visits over in Germany in 1933 and 1936. At that time I did not wear one. I wore a uniform in 1928 and became a member of the party, until I left. In the Propaganda Ministry I wore the uniform of that office.

Q What form of clothes did you wear going on the submarine? You said something about working clothes.

A Fatigue clothes, the ones that have been shown here.

Q They are not naval uniforms--or are they?

A It is not a full uniform of the navy. It is a work outfit for the navy.

Q When did you first learn of your wife's illness?

A I had a few letters from her, but most of it I heard when Mrs. Neubauer returned, and Mrs. Becker, who were both friends of hers.

Q When was that?

A That must have been last spring or summer, about a year ago.

7w

Q About Easter last year?

A Yes.

Q What salary did you receive when you were working for the Propaganda Minister?

A Around 600 marks a month.

Q You made some statement in connection with your giving some of the money to Haupt. What did you say you were uncertain about?

A I was not any too sure what Haupt was going to do up there. If he had not any money he probably would have given us up right then and there. I didn't want him to do that before I talked with him.

Q The Attorney General asked you about a number of names of people and asked you about people you had seen when you returned to America. Were there any other people that you now recall that you have not given the names of?

A I don't know if Helmut Leiner has been mentioned.

Q When did you see him?

A We arrived in New York on Sunday, and I met him in the afternoon or evening. I wanted to find out the address of my wife.

Q You did not know your wife's address until you saw him?

A I didn't know. I knew she was somewhere in New York, but I didn't know where.

Colonel Royall. That is all.

RECROSS EXAMINATION

Questions by the Attorney General:

Q I think you said you gave money to Haupt to prevent

8w his giving you up?

A Yes.

Q You did not want him to give you up?

A No.

Q What happened to this fellow Schroeder?

A He returned to Germany.

Q When?

A Before us. When Cappelletti left, Cappelletti went on an Italian ship as far as the Azores, and Schroeder took a clipper to Lisbon. Cappelletti returned by boat, by Portuguese coastal steamer.

Q What happened to Schroeder?

A I don't know.

Q Where did you hear about the trip?

A I found out when I reached Portugal.

Q Who told you about it?

A The German consul in Portugal.

Q He knew all about Schroeder?

A He had him looked up because I was interested in finding Schroeder because he still had $300 of my wife.

Q And you asked him about Schroeder?

A Yes, sir.

Q Did you ask him about Cappelletti also?

A Yes.

Q Were you interested in him?

A He was a good friend and I was interested in where he was.

Q What was Schroeder's purpose in going over with you? Why did he want to go to Germany?

A He was an electrician on the Pan-American Line.

9w At that time they were taken off by American authorities and replaced by Americans and supported by the Standard Oil Company in New York. The Standard Oil Company sent those men back, some via Japan and some over the Atlantic, so that the fare was paid by the Standard Oil Company on their return trip, because while they were here under contract, due to their contracts the Standard Oil Company had to pay their support while in the United States.

Q I am not sure I understand the answer to the question. Why did Schroeder want to go back to Germany?

A By that time they were out of work and just had enough money to exist.

Q He wanted to get a job?

A Yes, sir.

The Attorney General. That is all.

The President. There are some questions by the Commission.

EXAMINATION BY THE COMMISSION

Questions by the President:

Q You stated that you were a loyal German. Did you as a loyal German consider it your duty to come to the United States on the mission given to you by Kappe?

A No, sir. I tried to get out of it. I preferred to be a soldier of Germany in the official army.

Q I understand from your reply, then, that you did not consider it your duty to come to America?

A No, sir.

Q My remembrance is that you stated in answer to Kappe's original question that you wanted to come to America?

A I didn't say I wanted to come, but I couldn't say

10w

no, very well. He said, "Do you want to go to the United States on this trip?" I could not have said no then, because he would have had me right then and there and had me in difficulties. I thought it was one of those questions that come up once in a while and would be forgotten. It didn't look so serious then.

A Member. Do you still insist that you are a loyal German?

The Witness. Yes, sir.

Questions by the President:

Q When you buried the boxes of explosives on the beach in Florida did you locate identifying marks so as to be able to find those boxes at a later time?

A We had noticed a few stumps around there, a few old palm stumps. That was about all we could remember.

Q I remember also there was a wire fence involved.

A It would not have been difficult to find if you walked that beach from the beginning; but when you came down by car and parked right where the boxes were without knowing it, it was difficult. If you walked along the beach you would have found it.

Q Did you discuss these identifying marks with other members of your group?

A It was mentioned. One of them said, "There are three nice palm trees; we will remember it by them."

Q They all understood where the explosives were buried?

A I mean, it looked so clear there that we could not have passed it.

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Q Before you came to the United States, did you serve in the German Army?

A No, sir, I didn't.

Q You never did?

A I have not served in the German Army. I worked for the German Army as a civilian--in that capacity--ranking as a lieutenant and paid accordingly and treated accordingly, but never as a soldier.

Q I am talking about any time before you came to the United States.

A No, sir.

Q Did you have military service with the German Army?

A Never. When I returned to Germany, I wondered why I haven't been called at that time. The second or third day I went out to France, I was called back from France to report in Germany, and I was questioned then as to my whereabouts in the last few years--where I had been, where I lived--and they have made a record of this, and I was sent back to my job again, and they said, "If we want you, we will pick you up." That is the only time I had contact with the Army.

Q You say your father was an officer in the German Army?

A Yes, sir.

Q Why did you not serve in the German Army before you came over to America?

A I was too young then. I was 18 then, and at that time we had only that 18,000-man army, which had to sign for 12 years.

Q When you went back to Germany on visits--

o2 A (Interposing) On short visits, yes.

Q (Continuing) --were you not at that time checked up and registered for military service?

A No, sir. In 1933 they first started in building up the Army. That had not developed any, and I was just there for three months--two and a half months, I think--and returned here again. The next time I was over there, I was there only four weeks, touring Europe again.

Q I am interested in knowing something about this attempt to get back to Germany by sailboat. Where did you get the money to buy the sailboat?

A We all used--put our savings together and bought this thing. We all had a little money in the bank from working before. We worked steady and had a few dollars.

Q I understood you to say somewhere, either in your statement or in answer to some question, that you were out of a job and that you had no money.

A No, I had--

Q (Interposing) It was in reference, I think, to some question about the support of your wife.

A No, she had not much money left. She had a job at that time. We used all the money we had and put it into that boat.

Q Who was it to whom your wife loaned $300?

A To this Schroeder mentioned in this letter.

Q Did you have any money on deposit in Germany when you went back?

A No. My family is very well off.

Q That does not answer the question I asked you.

03 Did you have money before you went back?

A I had about a thousand or fifteen hundred marks laying over there.

Question by a Member:

Q Did you consider, as a loyal German, that you should go back and help Germany when you returned to Germany this last time?

A That time, yes.

The President. There seems to be no further questions.

The Attorney General. I have one question.

The President. Proceed.

Questions by the Attorney General:

Q Did you buy any Reuckwanderer marks in America?

A Not before I left. Not before that trip I went home. I had bought a few bonds in 1937, I think it was, and sold them. In Germany there was German bonds, and they said over here--sell them over here. Through that transaction, I received for a dollar about ten marks, which in the other way I would have only gotten about four--three or four marks.

Q Where was the money deposited? In Germany?

A With a friend of mine in Beirut.

Q When was that?

A Around 1937, I think.

Q But you did not buy any Reuckwanderer marks?

A No, sir.

Colonel Royall. May I have the reporter read the second or third question the President asked him?

The President. I think that question was: "When you buried the boxes on the beach in Florida, did you locate

04 identifying marks, so as to be able to find those boxes at a later time?"

Colonel Royall. That was not the question I meant. There was one that had reference to whether he intended to carry out this plan, or something like that. I just did not catch his answer.

The Attorney General. The answer was "Yes."

A Member. The second question was: "Do you still consider yourself a loyal German?"

Colonel Royall. That is the one. He said "Yes," did he not?

The Witness. I said "Yes" at that time.

Colonel Royall. I did not hear his answer. That is all, sir; no further questions.

The defendant Heinck desires to take the stand as a witness.

(The defendant Heinck stepped forward.)

The President. Defendant Heinck, it is my duty to tell you that you have the legal right now to do any one of several things, just as you choose. First, if you want to do so, you may be sworn as a witness and testify under oath in this case like any other witness; or second, if you want to be sworn as a witness, you may without being sworn say anything about the case to the Commission that you desire--that is, you may make what is called an unsworn statement. Or you may, if you wish, file a written statement with the Commission or you may, if you wish, keep silent and say nothing at all.

If you do take the witness stand and fail to deny or satisfactorily explain any of the alleged wrongful acts about

05 which you testify at all, and about which any evidence has been presented against you here, such failure on your part may be commented on to the Commission by the prosecuting side when the argument is made to the Commission at the end of the trial, and the Commission may take it into consideration in determining whether you are guilty or innocent of the offenses.

Do you understand fully all that I have said to you so far?

Mr. Heinck. Yes, sir.

The President. Have you consulted with your counsel in connection with this?

Mr. Heinck. Yes, sir. I want to take the stand and be sworn in.

The President. You wish to be sworn in and take the stand?

Mr. Heinck. Yes, sir.

The President. You have that privilege.

Colonel Munson. You swear that the evidence you shall give in the case now on hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Heinck. I do.

Colonel Munson. State your full name.

Mr. Heinck. Heinrich Harm Heinck.

Colonel Munson. You are one of the defendants in this case?

Mr. Heinck. Yes, sir.

Colonel Royall. May it please the Commission, the other defendants who have gone on the stand were the Florida group, as the Commission has noted. It is possible that we might

06 want to offer one or two witnesses in connection with that group, but there is no opportunity right now to talk to them, and I do not want to delay the hearing for that purpose. So, we are going into the case of these defendants who landed on Long Island. We may go back to the others tomorrow morning.

HEINRICH HARM HEINCK

was called as a witness and testified as follows:

DIRECT EXAMINATION

Questions by Colonel Royall:

Q You say your name is Heinrich Harm Heinck?

A Yes, sir.

Q Heinrich, will you try to reply to the questions asked you either by myself or the Attorney General in a manner so that your answers can be heard clearly by the Commission and counsel and also by the other defendants in this case?

A I will.

Q How old are you?

A I am 36--35 years old now.

Q When and where were you born?

A In Hamburg, Germany.

Q At what age did you come to the United States?

A I was 18 years old--18 years.

Q When did you come?

A 1926.

Q You stayed here how long?

A 13 years.

Q You went back, therefore, in 1939?

A That is correct.

o7

Q What was your business and occupation here in America?

A I was a tool and die maker here.

Q Where did you work?

A I worked at different places. My last job was American Machine Tool Company, a branch of the Norden Bomb-sight.

Q Where was that plant located?

A At New York.

Q How long did you have that position?

A It was about one year.

Q Are you married?

A Yes, sir.

Q Where is your wife?

A In South Germany.

Q Have you any children?

A I have one boy.

Q How old?

A A year and a half.

Q When did you return to Germany?

A 1939, in March--April.

Q What had happened in connection with your work before you left?

A Well, there was talking going around that all non-citizens had to get out of this factory on account of these Government contracts.

Q On account of the Government contracts?

A Government contracts, yes, sir.

Q Did that have any connection with your return to Germany?

c8 A Yes, I went back to Germany to get--to come in the right way with papers.

Q I wish you would explain to the Commission just what you mean by that.

A Well, when I was 18 years old, I worked on a German boat as a machinist--engineer's helper--and jumped the ship that time. I was 13 years in America here without any papers.

Q Were you able to apply for papers while you were here?

A No, I could not.

Q Why?

A Because I jumped the boat.

Q You came in illegally?

A That is correct.

Q You went back for the purpose of coming back here legally; is that right?

A That was one reason.

Q What were your other reasons? Just tell the Commission frankly.

A My wife wanted to go back to her parents. She didn't see her parents for over ten years, and they were past 76 years old--her parents.

Q Did you have any other reason?

A No, sir.

Q Did anyone pay any part of your passage over there?

A When I worked at the American Machine Tool Company, a fellow came up there and said, "There is a cheap way of going back to Germany through the German Labor Front," and he took me down to the German Consul, and they paid about half of the fare.

Q Did you promise anything for that payment?

09

A No, nothing was promised.

Q How did you expect to pay them back? Did you expect to pay them back?

A There was nothing said about it. They asked me if I was a machinist. I said yes. Well, they said they need them in Germany; I could get plenty of work over there.

Q Did you intend to work over there?

A Well, I was a member here of the Bund, and propaganda was over here that in Germany everything is wonderful--just as good--so I thought I would just as well go over and try it out.

Q You thought you would go over there and work if you could get a job; is that right?

A That is correct.

Q You say you had been a member of the Bund here?

A Yes, sir.

Q For how long?

A A little over a year.

Q When did you arrive in Germany?

A 1939, in April.

Q What did you do there?

A I worked in an automobile factory, the Volkswagenwerk automobile factory. That is the new big automobile factory in Germany.

Q How long did you retain or keep that job?

A Till I went to this school.

Q During the time you were there, did you make any effort to return to America?

A I did.

o10 Q When?

A Oh, about three months after I went in Germany--about four months; I don't know exactly the time.

Q About what time? About what month of what year was it?

A It was about two months before America went--started to war--went into war with Germany.

Q What efforts did you make to get back? What did you do about it?

A I went to the A. O.--that is, the Ausland Organization--in Germany, and they told me it was impossible; no Germans can leave the country.

Q Why did you decide you wanted to come back to America?

A Because I didn't like it over there.

Q What didn't you like?

A Whenever I say something about America--I start a conversation with somebody--in about ten minutes I have an argument.

Q What did you say about America that started an argument?

A Well--

Q What would you say about America? What would start an argument?

A Well, one thing, when I told them about conditions, how an American lives here--that he can have chicken and have a big car and has a better car than our boss in the factory--they didn't like--didn't believe me. They thought I was making propaganda.

One day I said, "If all the factories in Germany work

oll

like this, Germany will surely lose this war."

A few days after, I had to come up to the Party.

Q After you were unable to return to America last fall, what did you do? Continue to work there?

A When I got back to Germany? Yes, I worked.

Q After you stated you tried to get back to America last October, you continued to work at the same place?

A That is correct.

Q What happened about your going to this school?

A Well, there was a meeting there from the A. O.--Ausland Organization--in Braunschweig, and Walter Kappe--he addressed this meeting and talked for about thirty minutes, and after that meeting a fellow by the name of Kurt Laas came up to me and asked me if I wanted to go back to America. I told him I would go right away.

He said, "It is no joke."

Then he told me about--told me everything about it--about stopping production of the American factories.

Q Stopping production of American factories?

A Or slowing down production. So, he said to me he is going to talk to Quirin, too.

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Q Is that Richard Quirin?

A Richard Quirin, yes.

Q Was he at the meeting?

A He was at the meeting, too, yes.

Q Did you know Richard Quirin?

A Yes. He worked in the same factory I worked.

Q Had you known him in America?

A No, I had never known him in America.

Q All right. Go ahead and tell what was said by Laas.

A He told me he is going to ask Quirin, too. He says, "You will hear about this later on."

I think the next day Quirin came up to my house. We always played pinochle together. There were about thirty or forty German-American families there. Kids were playing baseball, speaking English.

That day Quirin came up to my house and I asked him, "Did Laas talk to you about going back to America?"

He says, "No."

I told him all about it. He said sure, he would go.

Q What happened next with reference to the school?

A It was about a month after that I got a typewriting letter signed by Walter Kappe and told me to go to school at Quincegut Farm.

Q Had you known at that time just what you were expected to do in America?

A Yes, sir.

Q What had he told you you were to do? Slow down production?

A Slow down production in America.

2b

Q Did he tell you how?

A No.

Q When did you first learn how you were expected to slow down production?

A In those three and a half weeks at school.

Q Well, you learned it shortly after you got there, didn't you?

A That is correct.

Q What did they tell you you were to do then?

A Well, aluminum factories over here--

Q I mean, did they tell you that you were to use explosives?

A That is correct.

Q And did they explain what kind of plants you were to use them on?

A Yes.

Q What did they tell you about that?

A The main job was aluminum plants over here.

Q When you learned what you were expected to do in America what did you do about it?

A Nothing. I wanted to come back to America.

Q Did you continue in the school?

A That is correct.

Q What, if anything, was taught you in the school about hurting anyone or injuring any person?

A Whatever we do over here, we are not supposed to hurt anybody, was mentioned a couple of times.

Q Did they give you any reason for telling you that?

A Well, not to arouse the American people.

3b

Q What, if anything, were you told about getting any military information?

A Nobody ever said anything about that.

Q Were you instructed to report any military information to Germany?

A No, sir.

Q You did take a course in secret writing, did you not?

A For about two hours, yes.

Q What were you to use that for?

A To communicate between ourselves, but we never approved of it.

Q Were you instructed ever to use it to communicate with Germany?

A No, sir.

Q Did you know anything about these handkerchiefs?

A No.

Q Did you know anything about the matches with the secret ink?

A I saw once matches when Dasch got dressed on the U-boat, before we left the U-boat. He put something on the table there and I saw some kind of funny matches laying on the table.

Q Did you know what they were?

A No.

Q Did you know they were secret writing matches?

A No.

Q Did you know anything about any address in Lisbon, Portugal?

A No.

4b

Q What did they tell you about when you were expected to commit sabotage?

A Well, they told us we should rest or get used to the country for about three months, even up to six months.

Q Did they tell you how long or for what period of time you should commit sabotage after you once started? Did they tell you what you should do? You said something about aluminum plants.

A Aluminum plants, yes.

Q Did you, while you were in Germany or at the school, tell anyone your opinion of this plan?

A No, never did.

Q What was your feeling toward it?

The Attorney General. I object.

Questions by Colonel Royall?

Q What were your intentions?

A Never had any intention of going through with it.

Q Did you tell anybody that?

A No.

Q In Germany, I mean.

A No, never told anybody about this plan at all.

Q Did you make any effort to get out of the plan?

A No, I never did.

Q Why?

A Because I wanted to go back to America.

Q You gave statements to the F.B.I., did you not?

A I did.

Q Was the first statement you gave them correct?

A No.

5b

Q Why?

A I protected all the other fellows in that statement. I gave wrong names.

Q Did you know at that time that they had the correct names of anybody?

A I did not.

Q When did you correct that statement?

A In my second statement I corrected it all.

Q Is your second statement wrong in any particular?

A There is one part about giving the money to Dasch. I protected a friend of mine there. I did not want them to get the idea that--I said that I gave it to Dasch. That is not true.

Q You did not give it to Dasch?

5 A That is correct.

Q Did you tell the F.B.I. anything about your intentions--what they had been--in connection with this plan?

A I told them I never wanted to go through with this plan.

Q Did you tell them whether you ever intended to go through with it?

A I don't think I did.

Q You just said you did not want to go through with it?

A That is correct.

Q Heinrich, after you landed in this country I believe you and Dick Quirin went together; is that correct?

A That is right.

Q Did you talk with Dick Quirin after your landing as to anything about this plan and what you were going to do

6b

about it?

A I talked to Quirin a couple of times about not going through with this job. We were finding each other out, how to get out of it. The way it was--the last couple of days Dasch was away. We had no connection with anybody. There was a good reason in case we ever come back to Germany. We had a good excuse that we could not get on the job, because we could not do it alone.

Q You had not heard from Dasch and Burger and you had that excuse?

A I heard from Burger, not from Dasch. Burger told us he did not know where Dasch was.

Q He told you he did not know where Dasch was?

A That is correct.

Q When did you first talk with Quirin about getting out of the plan or not carrying on the plan?

A I believe it was in the hotel we stayed.

Q Where was that?

A When we first came here.

Q What hotel was that? Do you remember thename?

A Mar--

Q Martinique?

A Martinique.

Q When did you next discuss it with Quirin?

A Oh, on the street a couple of times and in our rooms. We took a room in a rooming house after that.

Q Had you decided with Quirin what you were going to do about it?

A Well, we wasn't exactly sure what we were going to

7b

do, but somehow, to hide somewhere--not exactly hide, but get a job somewhere and work here and lose all connection of the other fellows.

Q Henry, are you a member of the Nazi Party?

A Yes.

Q When did you join?

A I applied when I was over here and I was a member. When I got back to Germany I became a member.

Q Are there any other facts about this matter you wish to state to the Commission?

A No.

Colonel Royall. That is all we care to ask you.

CROSS-EXAMINATION

Questions by the Attorney General:

Q Did you ever apply for citizenship in America?

A I could never try, because I had no papers at all. I jumped the ship.

Q Did you tell the German Consul about jumping the ship?

A I did.

Q What did the German Consul tell you to do?

A I had trouble getting a passport when I went back to Germany. They did not believe my name and had to first send a telegram over to Germany to find out if I was trying to hide.

Q Did he find out?

A Yes, sir.

Q Then what did he tell you to do?

A Then I was sent over to another room. There was a fellow sitting there--I don't know his name--and he asked me what trade Iam in and what I can do, if I know something about

8b

automobiles, and he sent me over to another place--I forgot the name--where I should deposit my money--I think the name was Schroeder--I have it on my statement--I forgot that name--and there I brought all my money--$450, something like that--and they gave me a slip of paper instead of the money and sent me over to the Hamburg American Line, where I got my steamship tickets.

Q When was this?

A 1939.

Q What was the name of the German Consul?

A Draeger.

Q Draeger?

A That is correct.

Q D-r-a-e-g-e-r?

A That is correct.

Q Did you intend to live in Germany?

A First I did, yes.

Q That is, when you were getting your ticket you did?

A That was my intention.

Q Had you bought any marks?

A I am not finished with that question.

Q Sorry.

A I wanted to see how it is over in Germany, if it is true what the propaganda was over here among the German-American Bund.

Q When did your wife go over to Germany?

A We went over to Germany together.

Q Did your wife intend to come back?

A No, she did not.

9b

Q And at the time you went over you did not intend to come back, did you?

A Well, I wasn't sure.

Q Who was the fellow you spoke of at the machine tool factory company? Was that Quirin?

A That is here in America, this factory.

Q That was in America?

A Yes.

Q Who was it that spoke to you in the factory about going to Germany?

A Alfred Schneider.

Q What did he say to you about going back?

A Well, he said he heard from somebody that through

6 the German Consul we could go back to Germany on a half fare, or something like that, he says.

Q Where is he now, do you know?

A He is in Germany.

Q What is he doing?

A I went with him on the same boat to Germany. He is a machinist also.

Q Was he working as a machinist when you last saw him?

A He was working as a lathe hand.

Q You did not meet Kappe before you saw him in Germany, did you?

A I did.

Q I thought you said that. When was it you first met him? At that meeting where he spoke somewhere?

A I met Kappe over here in America.

Q What did he say to you over here?

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A Well, I don't remember that.

Q Did you talk to him?

A Well, we shake hands.

Q How many times did you meet him?

A Oh, we talked at the meetings. I think I saw him about four or five times.

Q You do not remember what you talked about?

A No, I don't remember.

Q You remember the landing on Long Island, of course?

A I do.

Q Do you remember the Coast Guardsman? Did you see him?

A I never saw the Coast Guardsman.

Q Was it pretty dark on the beach?

A It was very dark.

Q Could you have found your way back to that spot, do you think?

A I think I couldn't.

Q You think you could?

A No, I could not.

Q You could not. Did you see all these other defendants at the camp? Were these other seven all over there?

A Thatis correct.

Q Now, had you ever seen Laas before he talked to you in Germany?

A I did.

Q Where did you see Laas? At the meeting where Kappe spoke?

A I saw him at the meeting and I saw him in the

11b

factory.

Q In the factory over here?

A In the factory over in Germany.

Q In Germany. I meant, you never saw him in America?

A No.

Q What exactly did Laas tell you? What did Laas tell you?

A Well, he first came up. He said, "Would you like to go back to America?"

I said, "Yes, right away"--made a joke out of it first.

Then he says, "No kidding," or something like that. He says, "Kappe is looking for some fellows to do some sabotage work over there or slow production in the factories."

Q He did not say "do sabotage work," did he? He said to slow down production?

A I believe he said that, yes.

Q You think he said "sabotage," too?

A It is possible that he mentioned that word.

Q So you think when Laas spoke to you about it you knew what it was for?

A I did.

Q Had Kappe talked to you about it then?

A No, Kappe did not say anything.

Q What did you say to Laas when he suggested this?

A Well, I said, "I am going."

Q That was in answer to his question if you would like to go over to slow up production or make sabotage?

A I guess that's the answer I said.

Q Did you mean to go when you said, "I am going"?

12b

A Yes. He told me then, "You will hear about this later on."

Q Did you hear about it until you got this typewritten letter?

A That is the first time I ever hear about it again. That was about a month.

Q Do you remember what the letter said? Did it just say to report to this Quincegut Farm?

A On the top of the letter was written "Ewehr."

Q What does that mean?

A That means "Defense."

Q What else was on it?

A Just how I could reach this place in Quincegut. Take a railroad train to Brandenberg and from there a streetcar and a bus on the end station from the streetcar. It described exactly how I could get there.

Q Did Quirin get the same kind of letter?

A I believe he did.

Q Well, he told you he did, didn't he?

A He never showed it to me.

Q Did you talk it over with him before you went down?

A We did talk it over, yes.

Q What did you say about it? Did you ask him whether he was going?

A I asked him, yes.

Q What did he say?

A He is going.

Q He is going. Did he ask you if you were going?

A He did.

13b

Q What did you say?

A I said, "I am going."

Q And you went down together then?

A That is correct--no, we did not went together. He went first to Berlin, and just by accident we met on the end station from the streetcar and getting into the bus together.

Q Did you see Laas again before you went down?

A I saw Laas a couple of times.

Q Who was your immediate employer? Who was the man you worked for, your foreman or your boss?

A In Germany?

Q At that time.

A Volkswagenwerk.

Q That is the kind of work you were doing. That is the name of the plant?

A Yes.

Q Now, you had some boss over you, didn't you? You worked for someone, didn't you?

A I did.

7 Q Well, did you tell him you were going down?

A I had to go to the office, to what you call personnel--

Q Personnel office?

A Personnel office, and there was a fellow by the name of Preile.

Q What did you say to Preile?

A I had to show him that letter, so he could give me permission to leave the plant.

Q Well, you were not in the Army then?

14b

A I was not. I never was in the Army.

Q You were working for a private factory?

A That is correct.

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Q And you went to your boss and told him you wanted to go to the farm?

A I did.

Q And he said, "All right; go ahead"?

A No. He tried to stop me. He could not stop me. He tried to stop me from going to a place in Braunschweig.

Q You told him you wanted to go?

A That is correct.

Q Who is this man you said you protected?

A The other seven defendants.

Q I thought you meant some special friend.

A It was about the money.

Q Do you remember the navy uniforms that were in court?

A Yes.

Q Did you wear one of those in the submarine?

A I did.

Q And changed it when you landed?

A That is correct.

Q And put on your civilian clothes?

A That is correct.

Q Do you remember who issued those uniforms?

A When we were in Berlin we were taken to a public school and got those uniforms at the public school. It belongs to the Marine Division, or something like that.

Q They were operating this school as one of their offices; is that right?

A That is correct.

Q I think you said you were told when you came over here to wait for two or three months and get yourselves worked

2w

in before doing any sabotage; is that right?

A That is correct.

Q Did you plan to buy a farm before starting in on sabotage work?

A We never wanted to do any sabotage work at all here.

Q Did you ever plan to buy a farm while you were here?

A It was planned from the school.

Q You never made that plan?

A No, sir.

Q Who did make that plan?

A I think it was the Swenson fellow. He was supposed to be a farmer and would buy a farm and when we would get nervous we could stay on this farm.

Q What did they tell you about there being guards on the beach when you landed? Didn't they tell you that there would be guards on the beach?

A Yes, sir.

Q And they told you to change your uniforms?

A That is correct.

Q Why?

A The idea was in case we got caught we would be prisoners of war.

Q I think you said, and I am reading from page 5 of your statement of June 23:

"Before we left Berlin we talked about how we would keep the explosives when we arrived in America, and Dasch and Kappe agreed that we would bury them in the sand or in the woods at the place where we landed."

Is that correct?

3w

A That is correct.

Q Then you said that you would then buy a farm or other place of business where you would keep the explosives without their being found, and return to the place you had buried them?

A That was planned by the school; yes.

Q By whom?

A By the school; by Kappe.

Q And Dasch?

A Yes.

Q And who else?

A Nobody.

Q Did you tell them you agreed to that plan?

A I had never agreed at all.

Q Did you tell them you had agreed to the plan?

A I had nothing to say at all.

Q You said nothing about the plan?

A No, sir.

Q You did not object to it?

A I didn't object to anything.

Q Did you write your wife from the submarine also?

A I did not.

Q Did you register at the Hotel Martinique?

A Yes; I did.

Q Under what name?

A Henry Kaynor.

Q Was that the name that was planned you would use?

A That was given me by a fellow by the name of Dempsey.

Q You had planned to use it, had you not?

A Yes. The only papers I had was under that name.

4w

Q The false registration card and the false Social Security card?

A Yes.

Q What address did you give?

A I gave an address in Albany; I think, on State Street.

Q Who suggested that you give that address?

A Quirin.

Q When did he suggest that to you?

A Because he knew I was in Albany before. I knew there was such a street there.

Q Was it a real address?

A I don't know.

Q You went to 144 West 86th Street, did you not?

A That is correct.

Q What were the names of the girls there?

A I don't remember any girls. I only remember the name of the madame there. Her name was Anna.

Q Did you know her other name?

A No, sir.

Q What did you tell her about this trip?

A I didn't tell her anything about our trip.

Q Did you go to 149 West 76th Street?

A Where I was living, where I had my home.

Q How did you register there?

A I gave the name of Henry Kaynor.

Q Albany?

A Yes.

Q How did Quirin register?

A Quintas.

Q Richard Quintas?

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A That is correct.

Q He gave Albany, too, did he not?

A I think he did.

Q Was Quintas the name that had been given him in Germany before coming over, to use here?

A That is correct.

Q Who gave him that name or suggested it to him?

A I don't know.

Q Did you and Quintas talk about Dasch running out on you?

A We did.

Q You were afraid Dasch would give you up, were you not?

A I was not afraid.

Q You thought he would?

A I had an idea that he would do so. I told the F.B.I., "I had a funny dream last night. I saw Dasch standing in the F.B.I. office and he told about everything."

Q Dasch did not show up at one of those meetings in New York, did he?

A Yes, he did. The first time we met in a restaurant, Horn & Hardart's restaurant, and he showed up at another meeting place, at Grant's Tomb at 116th Street.

Q When did you first think that Dasch might give you up?

A It was just--

Q Just a "hunch"?

A Yes.

Q How long had you had that hunch?

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A When I was down there on the beach, Burger came running back and he said, "Dasch got stopped by a Coast Guard man," and he said, "The Coast Guard man"--

Colonel Royall. May it please the Commission, I think the cross-examination should be limited to matters brought out on the direct, and I believe I should object to his asking anything about that matter. I have let him ask some questions that went beyond that, but I think I will have to object to anything further.

The Attorney General. I do not care to argue that point. If the Commission thinks my questions are improper it will stop me.

The President. I would not say that; but since this objection has been made the Commission will admit the question.

Questions by the Attorney General:

Q Go ahead and answer the question.

A He said to the Coast Guard man that he is going to report it to Washington, or he will hear from Washington, or something like that; and that made me suspicious.

Q I think I asked you if Dasch showed up at all these meetings. He did not show up at all of them, did he?

A We were supposed to have one meeting at a restaurant called the Swiss Chalet, at 1 o'clock on Sunday, and he did not show up. We waited there until about 2 o'clock.

Q When Dasch did not show up, that was the time that Richard wanted to take charge of the group and be the leader? Do you remember that?

A I never heard anything about that, that he wanted to be the leader of the group.

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Q Do you remember in Burger's statement, which is part of the evidence, that he said:

"For approximately the next 45 minutes both Richard and Henry were using profane language continuously when they found out that George was not coming with me. When Richard asked me where George was"--

The President. Will you stop a moment, please?

Colonel Royall. May it please the Commission, there was no direct examination on this feature, and we object to any examination, not only on that account but because it is a matter that the Commission has previously ruled on, that they cannot take the statement of one witness and array it against the testimony of another. It is objectionable on two grounds. In the first place, we did not examine him about it, and in the second place it is a matter that the Commission has already ruled is not permissible.

The Attorney General. This is a conversation had in the presence of the witness, something that Burger said had happened when this witness was present. I think, as the Commission knows, that we have the broadest latitude on cross-examination. I did not try to prevent direct examination over the whole field. I am cross-examining now on that meeting with the other conspirators in New York City. I think it is appropriate to cross-examine the witness on it.

Colonel Royall. May it please the Commission, certainly nothing was asked about that on direct examination, and I am sure that the Commission has already ruled that you cannot take one of these defendants' statements and read it to another, because it could not refresh his recollection, and it is not the proper way to examine a witness--to say

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is what another witness said correct or not correct.

The President. Read the question, please, Mr. Reporter.

The Reporter (reading):

"Q Do you remember in Burger's statement, which is part of the evidence, that he said:

"'For approximately the next 45 minutes both Richard and Henry were using profane language continuously when they found out that George was not coming with me. When Richard asked me where George was*-- "

The President. We will close the session and take a recess also for ten minutes.

(The Commission was then closed and a recess was taken. When it reopened the following occurred:)

Colonel Munson. If the Commission please, the witness is reminded that he is still under oath. The same personnel is present as before the recess.

The President. The Commission sustains the objection of defense counsel in so far as the Attorney General's reading from the Burger confession is concerned. However, the learned counsel for the defense, probably, if he refers to page 127 on the subject of an accused person taking the stand as a witness, will understand why the Commission feels that in this offer of the defendant to be sworn in his own behalf he is open to a wide range of questioning, which I have no doubt the Attorney General will conduct from now on in a little different form.

The Attorney General. Yes, sir.

Questions by the Attorney General:

Q Did Quirin ever say to you that you were not living

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up to the orders given you by Germany?

A That is right.

Q When did he say that?

A He said that in this form, that we didn't want to go through with the job and were looking for some good reason to get out of it. He didn't say it exactly word for word like that.

Q When did he say that?

A Oh, he talked about it at different places, in the hotel, on the street, and in our room, and when we were sitting waiting for Dasch in the restaurant.

Q Burger visited you and Quirin on Friday night, did he not?

A Quirin and I visited him; yes, sir.

Q Did you have a meal together?

A With Quirin I had a meal.

Q Did you and Quirin go up to Burger's room?

A We did.

Q Did you open a drawer of his writing desk and take out a letter?

A There was Quirin, and Burger was sitting or lying on the bed and I was sitting in a chair next to a desk, and I said, "It is nice furniture you have"; and I pulled out a drawer and there was two letters in there. One was a bill of the hotel, and the other letter--I don't remember what was in it, but I handed it over to Quirin, and then I took another book about hotels all over the United States and I read that.

Q What was that?

A Different hotels in the United States, a book of hotels.

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Q What was the letter you gave Quirin?

A I don't remember what was in that letter. There was a letter from Dasch.

Q Did you read any of it?

A I did read it.

Q What did it say?

A It was of no importance. I didn't keep it in my mind.

Q Did Quirin talk to you about it afterwards?

A No; he did not.

Q He never mentioned the letter that you picked up, from Dasch?

A No, sir.

Q What was the hotel bill that you picked up? Of what hotel was it?

A I believe it was the Governor Clinton. I am not sure; I don't know any more.

Q Was it the same hotel that Burger told you he was staying at, or a different hotel?

A It only mentioned that Dasch paid his hotel bill for him. That was the bill Dasch paid for him.

Q Was it the same hotel he told you he was staying at?

A I believe it was.

Q But you do not know the hotel?

A No.

Q On page 8 of your statement of June 21, 1942, you said this:

"At the time they gave us these instructions I asked a question as to how we should be able to return."

Do you remember that?

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A That is correct.

Q Who was "they"?

A Kappe and the people at the school. It was in front of the whole school there.

Q You went on:

"If necessary, before the war was over, having in mind that I might have a nervous breakdown or sickness in the family"--

You meant a sickness in America, did you not?

A No. I meant over in Germany. I don't know exactly.

Q Let us read it carefully and see:

"At the time they gave us these instructions"--

That meant the instructions at the school in Germany?

A Yes, sir.

Q "I asked a question as to how we would be able to return"--

Did you mean, return to Germany?

A That is right.

Q "If necessary, before the war was over, having in mind that I might have a nervous breakdown or sickness in the family."

Is that right?

A Yes.

Q Did you mean you had it in mind that in America you might have a nervous breakdown and might want to return to Germany during the war?

A The F.B.I. men asked me if there was any way of getting back to Germany, and I mentioned that and said no.

Q "Having in mind that I might have a nervous breakdown or sickness in the family, and Dr. Schultz"--

12w

He was one of the instructors, was he not?

A Yes, sir.

Q "told me that it would be impossible to attempt to bring anyone back from America in a submarine before the end of the war."

Is that correct?

A Yes, sir.

Q What year were you in the Bund?

A It was either 1935 or 1934.

Q Did you wear the Bund uniform?

A I did.

Q What kind of a uniform was it?

A Black pants, boots, black belt, and a white shirt.

Q When did you leave the Bund?

A That was when only American citizens could join this Bund.

Q When did you leave it?

A I believe it was 1936.

Q Did you join the D.A.V.?

A Yes, sir.

Q What is that?

A The labor front in Germany.

Q You joined that in New York City?

A I did.

Q Why did you join it?

A To be in good standing with the German government.

Q And the Nazi Party?

A That is correct.

Q When you arrived in Germany did you report to the

13w German Labor Front?

A Everybody has to report there if he wants to work in Germany.

Q Did you report to the German Labor Front when you went to Germany?

A I did.

Q What did you ask them for? Did you ask them for a job?

A I didn't exactly ask them; it was given to me a job. They asked me where I would like to work, in what kind of a factory.

Q Did they have your record when you went there?

A I believe they had.

Q Did you join the National Socialist Party when you got there?

A I applied here in America for it and was a member when I went back to Germany.

Q You did join it?

A Yes, sir.

Q And you were a member of the party all the time you were in Germany?

A I was.

Q A member in good standing?

A I was.

The Attorney General. That is all.

REDIRECT EXAMINATION

Questions by Colonel Royall:

Q That statement about which the Attorney General asked you said:

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"At the time they gave us instructions I asked the question how we would be able to return if necessary before the war was over."

That was asked at the school; is that correct?

A That is correct.

Q You did not at the school disclose to anyone that you just intended to come to America, did you? You did not tell anyone that, did you?

A Will you repeat that?

Q At the school you did not tell them you were just coming over to America to stay here? You did not tell anybody that at the school?

A No; I did not.

Colonel Royall. That is all.

The Witness. I want to say something else.

The President. There are questions by the Commission.

A Member. He says he wants to say something else.

Colonel Royall. He wants to add something, if the Commission please.

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The Witness. When I got this letter from Kappe directly from the school there was also the name of Quirin on that letter. Before I was not sure if there was only my name. I now remember that Quirin's name was on there too.

Question by Colonel Royall:

Q Are there any further statements or any corrections you wish to make, Heinrich?

A No, sir.

Colonel Royall. That is all we care to ask.

EXAMINATION BY THE COMMISSION

Questions by the President:

Q If I remember correctly, you stated that you were very anxious to return to America.

A I was.

Q For what reason?

A I liked the liberty of this country, the freedom over here, what we did not have in Germany.

Q I think you also stated that it was not the intention of your wife or family to return to this country.

A My wife would return rather today than tomorrow.

The Attorney General. I did not understand that.

Colonel Royall. He means either today or tomorrow.

The Witness. Any time she would like to return to America.

Questions by the President:

Q But did you not state in reply to a question of the Attorney General that you wanted to come to America but that your wife did not wish to return to America? Did you state that?

A I think I never stated that.

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Q I will ask you this question again, just to clear up a possible misunderstanding due to your English. Did your wife intend to return to America?

A She did.

Q You, however, left her in Germany when you came over on this mission?

A I had to, sir.

Q What did they tell you in Germany would happen to you if you were caught in America?

A They told us nobody ever gets shot over here in America on account of doing sabotage work.

Q They told you that?

A Yes, sir.

Q Did they tell you what would happen to your wife and family in Germany?

A Well, I just could guess that.

Q Yet you were determined to come back to America on this mission?

A Yes, sir.

The President. Are there any other questions? There seem to be none. The witness is excused.

Colonel Royall. May it please the Commission, may I ask a few more questions?

The President. Yes.

FURTHER REDIRECT EXAMINATION

Questions by Colonel Royall:

Q In one of your answers you said something partially in German, I think. Am I correct in understanding that you said your wife would rather come today than tomorrow?

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A That is correct.

The President. In other words, do I take it "the sooner the better"?

Colonel Royall. That is right.

The Witness. That is right, sir.

Questions by Colonel Royall:

Q You said you left your wife over there because you could not bring her here?

A That is correct.

Q What means would you have had of bringing her after you got here?

A Through friends. She had her first papers.

Q She had her first papers?

A Yes, sir.

Q Heinrich, the Commission asked you a question as to what would happen to your family if you were caught here. I think that was the question. Would anything happen to them if you were caught here?

A No, but if they know what I talked about here--put in my statement--something would happen to my wife if that comes out in the newspapers.

Colonel Royall. That is all I care to ask.

The Attorney General. That is all.

Colonel Royall. The defendant Richard Quirin has asked to take the stand as a witness.

(The defendant Quirin stepped forward.)

The President. Defendant Richard Quirin, it is my duty to tell you that you have the legal right now to do any one of several things, just as you choose. First, if you want to do

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so, you may be sworn as a witness and testify under oath in this case like any other witness; or second, if you do not want to be sworn as a witness, you may without being sworn say anything about the case to the Commission which you desire--that is, you may make what is called an unsworn statement--or you may if you wish file a written statement with the Commission; or you may if you wish keep silent and say nothing at all.

If you do take the stand and fail to deny or satisfactorily explain any of the alleged wrongful acts about which you testify at all, and about which any evidence has been presented against you here, such failure on your part may be commented on to the Commission by the Attorney General when he presents his argument to the Commission at the end of the trial, and the Commission can take it into consideration in determining whether you are guilty or innocent of the offenses.

Do you understand fully all that I have said to you so far?

Mr. Quirin. Yes, sir.

The President. Knowing these various rights, consult with your counsel and then state to the Commission which you will do.

Mr. Quirin. I should like to be sworn as a witness.

The President. In your own behalf?

Mr. Quirin. Yes, sir.

Colonel Munson. Do you swear that the evidence you shall give in the case now on hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Quirin. I do.

Colonel Munson. State your full name.

Mr. Quirin. Richard Quirin.

Colonel Munson. You are one of the defendants in this case?

Mr. Quirin. Yes, sir.

RICHARD QUIRIN

was called as a witness and testified as follows:

DIRECT EXAMINATION

Questions by Colonel Royall:

Q Your name is Richard Quirin?

A Yes, sir.

Q Richard, when were you born and where?

A I was born in Berlin the 26th of April, 1908.

Q I believe you took your mother's name?

A Yes, sir.

Q Do you know what your father's name was?

A No, sir.

Q I believe when you were two years old your mother left you in care of some friends; is that right?

A Yes, foster parents.

Q How long did you live in Germany?

A Until I was about 19 years of age.

Q When did you come to this country? In what year?

A In 1927.

Q Were you married here?

A Yes, sir.

Q When?

A In 1936.

Q Have you any children?

o6 A Yes, sir; one.

Q How old?

A It is one and three-quarters of a year now.

Q Where are your wife and child?

A My family is with my parents-in-law in Bavaria, Germany.

Q Richard, what was your occupation while you stayed in America?

A My trade is a mechanic and tool maker, but I have worked here at different jobs, like as a painter, mechanic, and tool maker, and the last job I had was I worked there with my wife together as a couple--chauffeur, and my wife was doing housework, and I was taking care of the estate.

Q Where was that job?

A That was with Mr. W. J. Rauch, Chappequa, New York.

Q When did you return to Germany the last time?

A In 1939.

Q Had you been back there from 1926 to 1939?

A No, sir.

Q Was your wife of German extraction, too? Was she a German?

A Yes, sir.

Q Did you ever file for citizenship papers?

A I took out my first paper.

Q Did your wife?

A That I don't know, sir.

Q When did you take out your first papers?

A I am not sure, but it was in either the first or second year when I entered here in this country.

o7 Q Just before you left for Germany in 1939, what had you been doing? What sort of work?

A Just before I left here?

Q Yes.

A I worked with Mr. Rauch. I took care of his estate and was his chauffeur.

Q Why did you go back to Germany?

A Well, my wife was sick for five or six months. She went to the doctor almost every week or other week, and she complained about having trouble with her stomach, and she couldn't eat everything; she had to be on a diet; and I talked it over with Mr. Rauch, my employer, and we thought it was due to homesickness, because she complained mostly of--to see her folks, and stuff like that, and that made up our minds to go back.

Q Did you have any other reason for going back?

A No, sir. I wanted to stay here. I had a pretty good job, and Mr. Rauch liked me very much, and I had no other reason to go.

Q Her family--your wife's family--lived in Germany?

A Yes, sir.

Q Richard, did you while in America belong to any Bund?

A Yes, sir. I belonged to the Friends of New Germany. That was, I think it was, in 1933.

Q Did you at any time join the Nazi Party?

A Yes, sir.

Q When?

A I remained with these Friends of New Germany for, I think, a little over a year--something like that--and at

c8 that time I have heard people kick about different things and that--at the same time complaining that there were German citizens in this organization which don't belong in there, or something to that effect, and I have listened to that long enough and wanted--I wanted to do the right thing, and I went down to the consulate, and I was shown to a man in there whose name I don't know any more, and I asked him, as I was a German citizen, whether this is correct or not, and he told me that I had no business being in political organizations--foreign political organizations--and I was seeking his advice, and he said to me I should go down and get a paper which shows that I resigned this organization, which I did.

I brought it back to him, and he told me he would take my name, and if in the event I ever returned to Germany, I became a member of the Party, which he did.

Q When you went to Germany in 1939, were you furnished any part of your transportation by the German consul?

A Yes, sir. I have also heard at the time or before that time--I read that the Government was paying passage or giving free passage to people or helping them to get over there, and I tried to save money, of course, and I went down to the consul and asked about this, and they asked my occupation, and they offered me a free trip over to Germany and would give me work--give me a job.

They also told me that I probably would have to wait two more months for passage, at which time my wife was very sick, and I talked it over with her, and I made her go before me. She went two months ahead of me on a ship, for which passage I paid, and I remained here with friends two more months, and I

09 went back on the Bremen in July, 1939.

Q When you got to Germany, what did you first do?

A When I got to Germany, I was met at the dock, where the ship docked, by fellows from the Labor Front, and we were taken--there were more travelers like myself on the boat--we were taken to a hotel, and there each one of us talked to these men.

They asked us what our occupation was and where we would like to work, and so on. I having--my wife, rather, having a nephew in Braunschweig, and working at the People's Cars place, I expressed my desire to work there, and they told me it was all right; I should report at that plant.

Q Had you joined or did you join the German Labor Front?

A Yes. At the time when I was starting to work, I was given an address of this office and told that I should bring other papers which I had to get. They also told me to get a paper which showed that I belong to that--that I belong to the Labor Front.

Q How long did you work at that job?

A Until I went to this school.

Q Did you while working there meet any of these other defendants?

A No, sir, except Heinck.

Q You did not know any of the others before that?

A No, sir.

Q What was the first information you had about this school?

A It was this year in February, I think. You see,

o10 there were more American people there over at this village where we lived. In fact, all around us there were people that came from this country, and they used to gather once in a while in a hall and had meetings--or not meetings but a get-together, like, you know. At one of those get-togethers I was invited to--this fellow Kappe showed up. He was a guest there, and he made a speech--something like that. He told those people there that they have not been treated the way they had expected in Germany, but he asked them to be content because it is war, and all this, and things will become better--something to that effect.

Q What happened then?

A Well, after this we had a few drinks, and we went home, and the next day I met Henry Heinck, and he told me about having heard that we can go to America on some mission. He didn't tell me at that time what it was, and since we had been talking at home with our wives and neighbors, and so on, nothing else except America, and expressing the wish to go back sometime, and also at the same time knowing that we couldn't do so because we had no reentry permit, naturally when I heard about this, I was interested, and I told him that he should go ahead; that I was interested.

Of course, nothing further happened then until one day he showed me a letter which had his name and my name on there instructing us to come to a certain place in Brandenburg to that farm.

Then, it also told that we should bring swimming trunks, and stuff like that, along and be there at a certain date. Well, Henry took this letter to the office and asked for leave

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to go there. They, of course, wouldn't give him the leave right away. They said they would let us know. I don't know how long it took; either that day or the next day; I don't know. They let us know that we could go.

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Q Well, now, up to that point, Richard, what did you know or understand about the purpose of the school?

A To tell you the truth, I knew it was some kind of work--Henry said to do some kind of work in America. I was more interested in getting to America than I was in the work I was supposed to do at the moment. I had no real knowledge about what it was about, and when we got to the farm--it was one of those first few days that we were taken to the classroom by Kappe--and all of us were told that we had to go on a trip to America to do sabotage, and that was the first time when I heard what it was all about--really all about.

Q Now, how long did you stay at the school?

A I think it was not quite three weeks. Two weeks we had school and the first week we were waiting for the teachers and the other fellows to show up. It was not quite three weeks, I think.

Q What, if anything, did they tell you you were to do in America, according to their plan?

A We were instructed by Kappe to hinder production by cutting down power lines or stopping electric current to go into the aluminum factories and destroy tracks leading to these factories which supplied it by railroad, and I have heard something about water locks at the river or canal. I don't know which.

Q Were you told to get any information in America and send it back to Germany?

A No, sir.

Q Did you have any instructions of any kind like that?

A No, sir.

2b

Q Did you study secret ink?

A Yes, sir.

Q What were you told about the secret ink?

A Well, we were supposed to write to one another in case we wanted to meet somebody. If I wanted to meet Henry and he was living some place else, instead of writing him an open letter I was to use that secret ink.

But at that time when we had this, about two hours schooling we had there--I don't remember anything of it any more, or not much--when we got through there we walked out in the yard there. I spoke openly, and I think some of the fellows have heard me--and Henry has for sure--that this was very silly and I never was going to use it, anyhow.

Q Were you instructed to use it for any purpose except to communicate with other members of your particular group?

A No, sir.

Q Did you know anything about any handkerchief?

A No, sir.

Q Or any addresses on it?

A No, sir.

Q Did you know anything about any address in Lisbon?

A No, sir.

Q Were you instructed to communicate with anybody outside of your group?

A No, sir.

Q Were you instructed to communicate with Lisbon in any way?

A No, sir.

Q Did you take any radio instruction?

3b

A No, sir.

Q Were you told to inspect or try to get any information of any kind about America?

A No, sir.

Q Now, Richard, did you know anything about these matches?

A No, sir.

Q Did you ever hear of them until you got here to this courthouse?

A No, sir. I told theF.B.I., when they asked me about matches, I did not know what they mean, but I recall that George Dasch gave us over--I think it was France somewheres--he gave each one of us a book of matches. Those were regular American matches in this book form, you know, and he said to us that we were supposed to have some matches on us when we come to America, and I iit my cigarettes with these matches, and they were regular matches, and when he saw that I used them right away, then he took them away from me. That's all I know.

Q Those were not the matches with the secret ink on them; those were regular matches?

A Yes, sir.

Q Richard, what intention, if any, did you have about this school and this instruction?

A I was more scared of it than I let know at the time, and when we landed here and we met George the next day at the Grant Tomb, Henry was walking with George and I was walking with Peter, and we was together only a short time. Then we departed again.

4b

George told us at that time, I think, that he was going to leave--go out of town somewheres--and then Henry and I walked away and had something to eat somewheres, and he told me that George had told him that we were not going to get the boxes, and he said to me, "I think the job is over now," and from that time on we started to talk about having hopes that it was all over, that we was not going to do anything anyway.

Q When did you first become uncertain as to whether or not you would do anything in America?

A Well, I tell you, I was uncertain about myself during the school already, since I never had anything or knew nothing about explosives, and when I found out how it works I was really afraid of the stuff, and I felt sure I could never do anything like that.

Q Did you tell anybody in Germany or on the submarine

2 what your intention was?

A I only told my brother-in-law that I go to America, and since I could not write to my wife, she was naturally worried. Any soldier can write home, and I could not. I had to explain something to her, so I lied, of course, to her, but I told my brother-in-law that I was going to America and he should explain to her in case I can't write, but I would let her know in time what it was all about.

Q Richard, what was your intention when you were in France and on the submarine? Tell the Commission just what you intended, as nearly as you can.

A Well, my intentions were these. I did not, of course, make up my mind yet how to go about it, but I had in mind to come here, and since we had enough time--three to

5b

six months, they told us we could take it easy--I was going to see my former employer, Mr. Rauch, and I formed an idea that I could get some advice fromhim what I could do, and I was going to ask him about it in order to get in right with the law, and after the war I was going to have my family come over here to live here.

Q Did you talk with Henry at any time at Grant's Tomb?

A Yes.

Q Was that the time you were telling us about a moment ago?

A Yes, and I talked to Burger during the school one time, or was it--I think it was during the school some evening--I told him I was going to have--would try to have my wife come over after the war with America.

Q Something was said about you being assistant to Dasch, the leader of your group.

A No, sir. Pete Burger told me once or twice, I think, my job was to look out that Henry does not get drunk, because he likes to drink very much. That's the only thing I heard about being assistant to anything.

Q Did you think that the plan was possible to carry out?

A I didn't know--I did at one time, when we was visiting the factories over there and I saw how well guarded they were--I pointed out to Burger--we was walking together--and I said, "Do you think they are any different over there?" That's all I said to him.

Q You gave some statements to the F.B.I.?

A Yes.

6b

Q The first of those statements was not correct, was it?

A No, sir. The first statement--at first I was afraid this would all come out in the papers and I did not dare say anything, or just as much--I couldn't help, you know. I tried to say as little as possible for fear it would come out in the papers.

Q Why did you do that?

A That I gave no correct statements?

Q Why didn't you want it to come out in the papers?

A I did tell them--oh, well, I was afraid it might hurt my family over there.

Q Did you later give them full information?

A Yes.

Q Did you tell them about the industrial conditions and other conditions in Germany?

A Yes, sir.

Q Did you answer all the questions they asked you?

A Yes, but I did ask them--I told Mr. Wiand--I told him about my intentions to come here and have my wife come over here after the war, but I asked him not to put it in my statement, because I did not want it to be known.

Q Now, Richard, if there is any other statement of fact or of your intentions that you desire to make, I would like you to state them to the Commission at this time-- anything I may not have asked you that you yourself think might be material.

A Nothing I can think of right now.

Colonel Royall. That is all we care to ask.

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CROSS-EXAMINATION

Questions by the Attorney General:

Q You made two statements to the F.B.I.?

A Yes, sir.

Q Are they both correct except so far as you have just stated in the record?

A The first one is incorrect.

Q Yes, but otherwise are they correct except for what you said?

A The most part is correct, yes.

Q Is there anything in the statements that you have not mentioned that is incorrect?

A I can't think of anything. For one thing, I remember not saying Kappe's name, or something like that, in the first statement, and--well, I don't know exactly, but I went more into detail in the next statement.

Q I think I said "two statements." I think it is three you made to the F.B.I.?

A Yes. The last one was something I remembered afterwards and it was in addition to the first one or second.

Q But, in substance, with the exception of the first one you told about, the three statements were correct, were they not?

A The three statements were correct?

Q You have already said that the first statement was not altogether correct.

A That's right, and the other two were correct.

Q Who is the leader of your group? Dasch?

A Yes.

8b

Q Was Dasch active in getting up the group at the camp? Did he seem to be?

A Yes--in fact, he was told to do so. He looked out for us. He helped us make up the stories.

Q Was he pretty intimate with Kappe there?

A He seemed to be, yes.

Q Was Reinhold Barth teaching there, too?

A Not teaching. He made what you would call--well, lectures he gave.

3 Q He gave lectures?

A Something like that.

Q Was Reinhold Barth related to Dasch?

A That I didn't know.

Q Did those two seem to be intimate?

A I didn't see nothing special about that. I only heard here in the courtroom that they were.

Q Had you ever seen Reinhold Barth before?

A No, sir.

Q You were not forced to go down to the camp; you volunteered?

A Of course not. As I stated, that's the way it was.

Q Exactly what had you heard about the camp before you went down to it?

A Of the camp I heard nothing. The first thing I heard about this camp was when I saw the letter that Henry had received telling us to go to this farm.

Q What had you heard about a possible trip to America?

A That I heard before, when Kappe was there, and Henry told me that we would have a chance to go to America

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and do some kind of work in America.

Q Didn't you then know that the work was to be preventing production?

A No, sir.

Q You did not hear that phrase at all?

A No, sir.

Q Did you go to a member of the German Army in Berlin before you went down to the camp?

A No, sir.

Q Did you talk to anybody else about the camp, with the exception of Kappe, before you went down?

A No, sir. We got that letter and we went from there to the camp.

Q You were a member of the Nazi Party in Germany, weren't you?

A Yes.

Q You were a loyal Nazi, weren't you?

A Well, I suppose so. I had no active work in it. I was just paying my dues, that's all.

Q You paid voluntarily when you went over?

A Yes.

Q Were you a loyal Nazi?

A I think so.

Q Are you now?

A I think so.

Q You are a loyal German, aren't you?

A Yes, sir.

Q Did you say to Burger or Heinck that the orders were not being obeyed?

10b

A Pardon me?

Q Did you say either to Burger or Heinck that the orders you got in Germany were not being obeyed when you got to this country?

A No, sir.

Q You did not say anything like that?

A No, sir.

Q You are sure of that?

A Yes, sir.

Q You saw all seven of these defendants at the camp?

A Yes.

Q Who was the leader of the other group?

A Edward--Kerling.

Q Kerling. Did you intend to do sabotage?

A No, sir.

Q Never?

A No, sir.

Q So there was no change of mind on your part?

A No, sir.

Q Did you plan to give yourself up to the F.B.I.?

A No, sir. I had not made up my mind as to what I was going to do.

Q Had you ever planned to do that?

A I don't think so. I would like to explain this. George--the way I was in that state of mind, not knowing what to do, and having had a few talks with Henry about it, if George Dasch would have come and told me about his plan, I would have gladly sided with him.

Q Kappe told you you ought to be like a German soldier

11b

and do something for the Fatherland, didn't he?

A Yes, sir.

Q Did you want to dosomething for the Fatherland then?

A Well, I told you it was my aim to come to America, and that was my main objective.

Q Did you intend to do something for the Fatherland, as Kappe told you you ought to do?

A I don't know.

Q You do not know whether you intended to help the Fatherland or not?

A I wanted to help the Fatherland, but I don't know whether I was going through with all that.

Q You wanted to combine coming to America and helping the Fatherland at the same time? Would it be all right to say that?

A I don't think so.

Q What would be right?

A I was trying to come here. That was my main objective, and in the meantime I was playing up to be just what they wanted me to be and trying to make my mind up when I was over here.

Q What did they tell you as to how you would be treated when you got back when the war was over?

A They told me I was to receive a good job.

Q They told that to the others, I suppose?

A I don't know.

Q Did Henry approach you after Kappe had made the speech in Germany?

A Yes. I think it was the next day that he told me

12bb

about it.

Q What did Henry suggest to you?

A He didn't suggest anything to me.

Q What did he say to you?

A He just told me about it. He told me that he has heard that Kappe's real reason for coming where he was was to find some men or people that were supposed to go to America to do some kind of work.

Q Some kind of war work?

A Work, yes.

Q War work?

A That I don't know.

Q Germany was at war with America, so you assumed it was war work?

A I assumed it was something like that, naturally.

Q Did Dasch tell you that he was staying at the Hotel New Yorker here?

A As I recall it, I thought the first meeting we had was at the Grant Tomb, but now during this trial I recall it that we met at this Horn & Hardart Restaurant, and I think that he mentioned they were going to stay--it may have been the New Yorker--I am not sure--and he suggested also to us to go to the Chesterfield Hotel, and he also gave me the address, but we didn't go there, for the reason because Henry and I walked all day and we happened to be near this hotel where we stayed, and we just stopped in there.

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Q I think you said you thought the secret ink writing was very silly, did you not?

A Yes.

Q What did you mean by that?

A I don't know how to say it, but, anyhow, that is the way I expressed it. I thought if I really wanted anything I could write a letter without secret ink.

Q Did you not understand that the leader of each group was to correspond with Germany?

A No, sir.

Q Did you understand that the leader of your group was to make any report to Germany?

A No, sir.

Q You did not know anything about that?

A No, sir.

Q Did you not talk to an army man before you came down to the camp at Rankestrasse 5, Berlin?

A Yes, sir.

Q When did you talk to him; how long before going down to the camp?

A You mean, Kappe?

Q I said, did you not talk to an army man at Rankestrasse 5, Berlin?

A No, sir; not before I went to school. The first meeting I had with any of the school--

Q When did you talk to that army man? Was that after the training?

A I don't know what army man you refer to.

Q Who said "I think the job is over now"?

2w

A Pardon?

Q You said that one of your group said, after landing, "I think the job is over now."

A It was Henry. After the meeting we had with George and Pete at Grant's Tomb George had told him that we were not going to get the boxes, and after Henry and I had walked away he told me that the job was over now, since we didn't have to go for the boxes, and it was understood that we would have to leave them there.

Q Why? Because it was known that you had landed?

A No. I think George expressed that it was too dangerous to get them, or something like that. I didn't speak to George myself. Henry told me.

Q On account of the Coast Guard having seen you?

A It may have been.

Q Was not that the reason?

A I don't know.

Q Did you think it was too dangerous to get the boxes?

A Yes.

Q Why did you think so?

A I just thought it was dangerous. I didn't want to go near the place.

Q You were issued a false registration certificate?

A Yes, sir.

Q And a false Social Security card?

A Yes.

Q And you were given a story to use, and a certain name, over here?

A Yes.

3w

Q What was the name?

A Richard Quintas.

Q Did you register in that name?

A Yes, sir.

Q Where did you register in that name?

A At the Martinique.

Q Did you give an address at the Martinique?

A Yes, sir.

Q What address did you give there?

A I think I gave either Schenectady or Albany; I don't remember.

Q Was it a correct address?

A If it was Schenectady, it was Pinewood Avenue. I think that is the address I gave. It was a former address where my uncle used to live.

Q 28 Pinewood Avenue?

A Yes.

Q That was your uncle's address?

A Yes.

Q Did you ever live there?

A Yes.

Q When did you live there?

A In 1927 when I first came over.

Q I notice that at the Governor Clinton you registered in the name of Richard Quintas?

A Yes.

Q And at that time you gave the address 21 Pinewood Avenue?

A Yes. The number is incorrect because I don't know

4w the number any more.

Q You mean, you had forgotten the other number you used before?

A No. I gave any number, because I didn't know what number we lived at. But the street is correct.

Q I think you have heard me ask one of the other witnesses whether at any time you wanted to take over command of your group?

A No, sir.

Q Did you ever say you did?

A No, sir.

Q Did you ever say that to Burger?

A No, sir.

Q Never said that?

A No, sir.

Q I think you said you were a member of the Friends of New Germany?

A Yes, sir.

Q What year was that?

A I think it was when I first entered in 1932.

Q In America?

A Yes.

Q Did you have a uniform?

A Yes.

Q When did you wear the uniform?

A At all our meetings.

Q All drills or parades?

A No, sir.

Q Just at the meetings?

A Yes, sir.

5w

Q Did you buy any Reuckwanderer marks?

A Yes, sir.

Q At the consulate office?

A No, sir.

Q At a bank?

A I think it was a bank.

Q What year did you buy them?

A The year when I went back, 1939.

Q How much did you buy?

A Five hundred dollars.

Q Is my understanding correct that you signed a paper saying you were going to live permanently in Germany when you bought those marks at that time?

A You did not sign any paper, but it was understood at the time that if you did buy Reuckwanderer marks you cannot take out a reentry permit; and after I had bought marks they told me they could not give me a reentry permit.

Q From Germany to America?

A Yes, sir.

Q The marks were credited to you in Germany?

A Yes, sir.

Q Was it not done on the understanding that you would not try to get back to America again? Was not that the arrangement?

A I would not try to get back?

Q The marks were placed to your credit in Germany on the understanding that you would stay in Germany?

A And stay there; yes, sir.

Q I am going to read to you from your statement of

6w

June 25, page 20.

A Is that the first one?

Q It is the second statement, I think. The first paragraph on page 20.

First, I want to ask you if you made this statement and, secondly, whether it is correct. I think you said that most of what you said in your second and third statements was correct, and I am going to ask you, first, if you made it and then whether it is right:

"I was not forced to come to the United States, but I volunteered."

Is that right?

A Yes.

Q "I volunteered after I was made acquainted with it."

Is that right?

A Yes, sir. I was asked. I did not come forward, but was asked if I wanted to go, and I said yes.

Q Your statement is:

"I volunteered after I was made acquainted with it."

Is that a correct statement?

A That is what I mean by that; yes.

Q What, again, do you mean? I do not quite understand you.

A I said I was asked to do this and I said yes.

Q To do what?

A To do sabotage work.

Q You said:

"I knew that I was working for the benefit of the German government in this war by doing what I could in

7w

the United States to hinder production of war supplies and material."

Is that correct?

A Yes.

Q You said:

"At the time I was at school in Germany and at the time I boarded the submarine it was my intention to come to the United States and to do this work, and if I had not been apprehended it is possible that I might have carried out my instructions, although I am not sure."

Is that correct?

A The statement is correct. I made that, naturally.

Q Was it true?

A I would not say it; no.

Q Was it untrue?

A I had doubts in my mind on the submarine already, you see, and as I said before already, I always feared this might come in the papers and I didn't dare to say anything else.

Q Was that statement true?

A I made the statement; yes.

Q Was it true or untrue?

A It was not true.

Q I thought you told us a little while ago that the statements made in your second and third statements were true.

A Yes.

Q Do you want to change that and say they are not true?

A I explained that in my mind I had given it up before, but I didn't know how to do it, and when this statement

8w

was made I said it this way because I thought it was the only way to say it.

Q But it was untrue?

A Somewhat so.

Q Somewhat untrue?

A Yes.

Q How was it somewhat untrue?

A As to my intentions. As to my real intentions it is somewhat untrue.

Q You said you promised that you would do it; is that correct?

A Yes.

Q You said:

"I did not feel myself any different from any soldier over there, as I felt it was my duty to do something for the fatherland, being a German citizen and being loyal to Germany."

Did you make that statement?

A I did.

Q Was that statement true?

A In the same sense as I just explained to you.

Q Was it true or untrue?

A It was not quite true.

The Attorney General. I think that is all.

REDIRECT EXAMINATION

Questions by Colonel Royall:

Q Richard, I believe you stated that there was a suggestion that you take charge of Henry in your group and see that he behaved himself?

A That is right.

9w

Q In that sense you were assisting in looking after Henry?

A I was looking after Henry.

Q You discussed that, did you, with the others?

A Yes, I did. I discussed it two days, I think.

Q You were asked about buying marks. You bought them and then did you learn, or did you learn before you bought them, that that meant that you were supposed to stay in Germany, or did you learn that afterwards?

A No.

Q Tell us about that.

A At the time my wife returned to Germany, you see, just a few days before that I was getting the papers all ready, you see, my sailing permit and everything else, and we went down to the bank and bought these Reuckwanderer marks, and after that we went down to the customs office and everything else and had to come back to the consulate, and back and forth; I don't know just how it went. Then they explained to us at the consulate, I think, that I cannot buy Travelers checks when I have Reuckwanderer marks, and also cannot get a re-entry permit. So I did have some Travelers checks, I think, for $100, which I wanted to give my wife for the trip, but I had to change them again.

Q That is the first time you learned about that?

A Yes, sir.

Colonel Royall. That is all.

EXAMINATION BY THE COMMISSION

Questions by the President:

Q Did the group leaders receive more instruction in

10w

secret writing than the other members of the group?

A That I do not know. At the time when we were in school we all received the same time; I mean there was no difference. I was sick for two or three days and was lying in bed. Whatever happened those two or three days I do not know.

Q You say you were sent over to delay production. Yet you also say that you were told that if necessary you need not do anything for from three to six months.

A Yes, sir.

Q What sense was there to that?

A Well, they were in a way trusting us. In other words, Kappe took us to this class room one day--that was before the teachers came--and he made a speech and said, "Now, when you get over there you have everything there; you have money and you can buy everything over there different from here," or something to that effect, "and there is no way we can check up on you. We will just have to trust you. When you get over there you can take three months off or six months off. You do not have to do nothing at all. It is up to you. But we rely on you," or some words like that.

Q Did he tell you that you would have to obey the leader of your group?

A Yes, sir; we were supposed to follow his orders.

Q In everything?

A Yes, sir.

Q What would happen to you if you did not obey the orders of your leader?

A Over here I don't think nothing can happen to me. If, for instance, if I had gone away, nothing could have

llw

happened to me; but in the event that I didn't follow orders and George would come back some day and tell about it, they would probably not pay my family any more money.

Q Were you told at the school by Kappe that if you did not obey orders the other members were authorized to do away with you?

A No; I have not heard anything like that; but I have heard something else. Kappe said that if anybody would get cold feet he could be put somewhere on a farm or be brought away to rest up. But not to do away with him. I never heard anything like that.

Q Were any threats ever made to you by any other members of this group?

A No, sir.

Q Did you make any threats to anybody else?

A No, sir.

Q You never made any threats to George Dasch?

A No, sir.

Q Did you make any threats to Burger?

A No, sir.

Q Do you know whether or not there are members of the Gestapo in the United States?

A I don't know that, sir.

Q You do not know any member of the Gestapo in the United States?

A No, sir.

Q You never heard of any?

A No, sir.

Q You mentioned in talking about Kappe's trusting you and the other defendants that the subject of giving you money

12w

came up and that you could spend it at your own discretion?

A Yes, sir.

Q What did you intend to do when you decided not to carry out this thing? Did you intend to live on that money, or did you intend to return it to some German representative?

A Of course not. I had not made up my mind whatsoever, but I had in mind to see my former employer who had been very nice to me and whom I could ask for advice at any time. But I didn't know whether I dared to see him and tell him about it at all or not; and since we had only been in New York one week I could not make up my mind what to do. But my intentions were--rather, I was trying to make up my mind to see this man and tell him the whole story and ask him what I could do in order to get on the right side of the law here. What I would do with the money I didn't know at that time. I was using it at the time and was spending some of it.

Q You felt some obligation, then, to the German government, since it was supporting you, did you not?

A I never thought about it. But as you mention it now, I think I would have.

Q Did you communicate with your former employer, Mr. Rauch?

A No, sir.

Q Why not?

A I didn't make up my mind just what to do.

Q Is he a German?

A No, sir. He was born here in this country.

Q Did you look up his telephone number?

A No, sir.

13w

Q Did you know his telephone number?

A I knew where he lived and I thought he still lived there, but at the F.B.I. office I found out from one F.B.I. agent who knew him very well that he has given up the estate at Chappaqua, and his office work and everything, and has moved or retired to the Adirondacks, at North River.

Q You learned that after you were apprehended?

A Yes, sir.

Q You did not call him up on the telephone before you were apprehended?

A No, sir.

Q What did you do with the money that was given to you?

A I had it in a money belt and I kept it in my room in a suitcase.

Q Who got it?

A Pardon?

Q Who got it?

A The F.B.I. agents.

Q Did you give it to them?

A No, sir; I was apprehended on the street and I made out a waiver that they could search my room.

The President. That is all.

Colonel Royall. May I ask a couple of questions?

The President. Yes.

REDIRECT EXAMINATION

Questions by Colonel Royall:

Q Was the three months period or six months period you mention for the purpose of getting acquainted with the country before you did anything?

14w

A That was the instructions; yes, sir.

Q This Mr. Rauch--what is his name?

A William J. Rauch.

Q Did you connect with him since you have been here?

A No, sir.

Q You got along all right with him, did you?

A Yes, sir; very well.

Q What is his address? Do you know what it is now?

A His address formerly was Campfire Road, Chappaqua, but he has given up that estate, as I have learned from the F.B.I., and he lives now at North River, Adirondacks.

Q There was one reference you made in answer to a question by the Commission which was not entirely clear to me. You said you had instructions that if any member got cold feet he was to be put on a farm or something like that?

A Yes; he was to be permitted to stay away from it.

Q He was to be kept in some place until he was over it?

A Maybe I understood it wrong, but to my knowledge it meant that you could withdraw if you felt that you could not go through with it. Anyhow, that is the way I took it and the way Kappe explained it to us.

Colonel Royall. That is all.

RECROSS EXAMINATION

Questions by the Attorney General:

Q I do not understand that yet. You could be dropped if you did not go through with it?

A Yes, sir.

Q You mean, you were given to understand that any one who got cold feet could just drop it and nothing would happen

15w

to him?

A Something like that.

Q How much money did you spend?

A I am not sure, but the money belt was supposed to contain $4,000. I did not count it. I took out, I think, two or three 50's and I did have--George gave me on the submarine about $300, I think.

The President. There is one more question by the Commission.

EXAMINATION BY THE COMMISSION

Questions by the President:

Q George Dasch was your leader, I take it?

A Yes, sir.

Q And you obeyed all his orders?

A Yes, sir.

Q Would you have obeyed his orders to spy in this country?

A No, sir.

Q He was your Fuhrer, was he not?

A Yes.

Q You would have obeyed all his orders to commit sabotage?

A I am not sure about that.

Q Would you exercise a certain discretion, then, as to the orders from your Fuhrer?

A Yes, sir.

Q Does he get his authority from the Fuhrer in Germany?

A From Kappe, I think.

Q I mean, the ultimate authority. All authority comes

16w

right down from the Fuhrer of the German people?

A I don't think so. I don't know anything about that.

Q Kappe was an army officer, was he not?

A Yes. He was, to my knowledge, the boss of the outfit. Anyone else I don't know.

Q And he gave orders to George Dasch, the Fuhrer of this group?

A Yes, sir.

Q And you were to obey his orders?

A I was to obey his orders.

Q And you did?

A Up to then; yes.

Q When did you stop obeying his orders?

A We had not received any orders from him, so I cannot say when I stopped, but when he left us right after the second day--he left town, as he told us before, and as Burger had told me there was no orders and I didn't have to obey them.

Q You were to do as you pleased?

A Yes.

Q How long?

A I really can't answer that very truthfully, because, as I mentioned before, this thing was going around in my mind and I didn't know just what to do and what to obey and what not to obey, you see.

Q Did you realize the seriousness of this mission in the event you were apprehended?

A I realized it the minute I landed here.

The President. Are there any further questions by the Commission? (No response) There seem to be none.

17w

The Attorney General. May I ask one more?

The President. Yes.

REDIRECT EXAMINATION

Question by the Attorney General:

Q If the Fuhrer had told you to spy and blow up plants over here, would you have done it?

A I don't know. I never met the Fuhrer. I don't know what kind of a man he is. How can I answer that?

The Attorney General. That is all.

The President. Shall I close?

The Attorney General. We would prefer to have you close.

The President. I mean, shall I adjourn now?

The Attorney General. We would prefer to have the Commission adjourn now unless you wish to sit longer. I think Colonel Royall would like you to adjourn now. We both have a pretty good amount of work to do.

Colonel Royall. And not meet before 10 o'clock in the morning?

The Attorney General. I would prefer that, too.

The President. The Commission is adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 4:45 o'clock p. m., the Commission adjourned until tomorrow, Saturday, July 25, 1942, at 10 o'clock a. m.)

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